

NOTICE OF MEETING  
PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH

Public Notice

Notice is hereby given that the Planning Commission of the City of St. George, Washington County, Utah, will hold a **Planning Commission** meeting in the City Council Chambers, 175 East 200 North, St George, Utah, on Tuesday, **March 24, 2015**, commencing at **5:00 p.m.**

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The agenda for the meeting is as follows:

Call to Order  
Flag Salute

1. **LOT ROADWAY EASEMENT (LRE)**

- A. Consider approval of a lot split located at **820 North Valley View Drive** (the LDS Chapel and the vacant lot north of the chapel). The representative is Mr. Bob Hermandson, Bush & Gudgell. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size). Case No. 2015-LRE-004. (Staff – Todd Jacobsen).
- B. Consider approval of a lot split located north of **Middleton Drive between 1700 East and Cottonwood Springs Road**. The representative is Mr. Steve Woolsey, ProValue Engineering. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot size) and OS (Open Space). Case No. 2015-LRE-005. (Staff – Todd Jacobsen).
- C. Consider approval of an easement vacation/lot merger (final plat amendment) located at **2181 West Long Sky Drive** (Ledges Development). The representative is Mr. Michael Draper, Rosenberg Associates. The property is zoned PD-R (Planned Development – Residential). Case No. 2015-LRE-006. (Staff – Todd Jacobsen).

2. **PRELIMINARY PLAT**

- A. Consider approval of a preliminary plat for a three (3) lot residential subdivision for **“Whiterocks at the Ledges Phase 2.”** The applicant is Development Solutions and the representative is Mr. Ryan Thomas. The property is zoned PD-R (Planned Development Residential) and is located at Canyon Tree Drive Case No. 2015-PP-008. (Staff – Wes Jenkins).
- B. Consider approval of a preliminary plat for a three (3) lot commercial subdivision for **“Riverside Business Park.”** The applicant and representative is Mr. Wes Davis. The property is C3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-PP-003. (Staff – Wes Jenkins).

3. **ZONE CHANGE (ZC)**

- A. Consider a zone change amendment to construct an approximately 20,000 square foot building on property zoned PD-C (Planned Development – Commercial) to accommodate the future development of a Mercedes-Benz Auto Dealership. The property is located at 1792 South Blackridge Dr, 302 and 288 West Hilton Drive. The applicant is Stephen Wade Auto Group and the representative is Mr. Bill Western, Western Design Group. Case No. 2015-ZCA-007 (Staff – John Willis)
  
- B. Consider a zone change request to rezone from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to C-2 (Highway Commercial) on 28.802 acres to accommodate the future development of a commercial shopping center proposed to be called ‘Dinosaur Crossing Shopping Center’. The property is generally located at the north east corner of Riverside Drive and Mall Drive from Mall Drive to 2200 E and Riverside Drive to the river. The owner is ‘Dinosaur Crossing LLC’, the applicant is ‘Smith’s Food and Drug Center’, and the representative is ‘Anderson Wahlen and Associates’. Case No. 2015-ZC-006 (Staff – John Willis)

4. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit for permission to extend an existing sales lot for automobiles and similar vehicles (**Premier Car & Truck**) to the adjacent property located at 148 W St. George Blvd.

5. **MINUTES**

Consider approval of the minutes from the October 28, 2014, December 09, 2014, January 13, 2015, and January 27, 2015 meetings.

Reasonable Accommodation: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office at (435) 627-4674 at least 24 hours in advance if you have special needs.

# ITEM 1A

## Lot Split

PLANNING COMMISSION AGENDA REPORT: 03/24/2015

### LOT SPLIT

#### **LDS Church parcel on Valley View Drive**

Case No. 2015-LRE-004

- Request:** Approval of a Lot Split
- Representative:** Bob Hermandson, Bush and Gudgell  
205 E. Tabernacle St., Suite 4  
St. George, UT 84770
- Property:** Located at 820 North Valley View Drive (the LDS Chapel and the vacant lot north of the chapel)
- Zone:** R-1-10
- Staff Comments:** The current layout of the lot includes the LDS Church and the land around it to the north and east comprising 12.185 acres. The lot split will leave the LDS Chapel with about 4.365 acres and the vacant parcel with about 7.820 acres.
- All aspects of this Lot Split were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the conditions and approvals.
- This Lot Split is ready for Planning Commission's consideration for approval.



# ITEM 1B

## Lot Split

PLANNING COMMISSION AGENDA REPORT: 03/24/2015

### LOT SPLIT

**William C. Mickelsen Family Trust**

Case No. 2015-LRE-005

- Request:** Approval of a Lot Split
- Representative:** Steve Woolsey, Provalue Engineering  
52 South 850 West, Suite 202B  
Hurricane, UT 84737
- Property:** Located north of Middleton Drive between 1700 East and Cottonwood Springs Road
- Zone:** R-1-10 & OS
- Staff Comments:** The current layout of the lot includes the LDS Church and the land around it to the north and east comprising 12.185 acres. The lot split will leave the LDS Chapel with about 4.365 acres and the vacant parcel with about 7.820 acres.
- All aspects of this Lot Split were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the conditions and approvals.
- This Lot Split is ready for Planning Commission's consideration for approval.



# ITEM 1C

## Easement Vacation/Lot Merger

PLANNING COMMISSION AGENDA REPORT: 03/24/2015

Easement Vacation/Lot Merger (Amended Final Plat)

**Lot 533 & Lot 802 of The Ledges of St. George Phase 5 & Phase 8, respectively**

Case No. 2015-LRE-006

**Request:** Approval of an Easement Vacation/Lot Merger (Final Plat Amendment)

**Representative:** Michael Draper, Rosenberg Associates  
352 E. Riverside Drive #A2  
St. George, UT 84790

**Property:** Located at 2181 West Long Sky Drive (Ledges Development)

**Zone:** PD-R

**Staff Comments:** Even though this is prepared on a recordable document and not prepared on a Final Plat Mylar the process for approval is that this is a Final Plat Amendment. This is because these lots are part of a recorded subdivision Final Plat and requires it to go through the same process. The purpose of this Easement Vacation/Lot Merger (Final Plat Amendment) is to merge Lot 533 and Lot 802 together into one lot so the owner can build a pool house on Lot 802, south of the existing pool located on Lot 533 with the residence.

All aspects of this Easement Vacation/Lot Merger (Final Plat Amendment) were carefully looked at and reviewed by the Public Works Department staff, (which includes New Development Division staff and Planning & Zoning staff) and Legal Department staff and it meets all of the Preliminary Plat conditions and approvals.

This Easement Vacation/Lot Merger (Final Plat Amendment) is ready for Planning Commission's consideration for approval.





## Easement Vacation Lot 533 and Lot 802

Made by the City of St. George GIS Department  
SGCityMaps - <http://maps.sgcity.org/sgcitymaps>

March 17, 2015

# ITEM 2A Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 03/24/2015

## PRELIMINARY PLAT

Whiterocks @ Ledges Phase 2

Case No. 2015-PP-008

**Request:** A request to approve a preliminary plat for a three (3) lot residential subdivision

**Location:** Canyon Tree Drive

**Property:** 0.803 acres

**Number of Lots:** 3

**Density:** 3.7 dwelling units per acre

**Zoning:** PD-R

**Adjacent zones:** This plat is surrounded by the following zones:  
North – PD-R  
South – PD-R  
East – PD-R  
West – PD-R

**General Plan:** Low Density Residential (LDR)

**Applicant:** Development Solutions

**Representative:** Ryan Thomas

**Comments:**





# ITEM 2B

## Preliminary Plat

PLANNING COMMISSION AGENDA REPORT: 02/24/2015

PRELIMINARY PLAT  
Riverside Business Park  
Case No. 2015-PP-003

**Request:** A request to approve a preliminary plat for a three (3) lot commercial subdivision

**Location:** 359 and 377 East Riverside Drive

**Property:** 4.00 acres

**Number of Lots:** 3

**Density:** N/A

**Zoning:** C-3

**Adjacent zones:** This plat is surrounded by the following zones:  
North – C-3      South – C-3  
East – R-4      West – C-3

**General Plan:** COM

**Applicant:** Wes Davis

**Representative:** Wes Davis

**Comments:** This preliminary plat recently came to the PC on February 24, 2015.

The applicant is still proposing to subdivide the property into three parcels so that each parcel owns the land the building occupies. Each proposed lot will have the required number of parking stalls for the existing building on that lot. Access, utility and drainage easements will be required for proposed lot 3 through proposed lots 1 and 2.

The property is currently nonconforming in regards to landscaping. The nonconformity of the property needs to be specifically addressed.

Nonconforming (10-16-3): ...*A building or structure which is nonconforming in any way ... shall not be added to, remodeled, replaced, or enlarged in any manner ... where such addition, remodel, replacement, enlargement or relocation would also be nonconforming except as follows: . . . b. All other changes must first obtain a recommendation for approval from the Planning Commission and approval from the City Council. In approving such request, it must be determined that the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure and that the negative impact of the nonconformity is not increased.*



# ITEM 3A

## Zone Change Amendment

PLANNING COMMISSION AGENDA REPORT: 3/24/2015

### ZONE CHANGE

#### **Stephen Wade Auto Group – Mercedes Benz Dealership**

Case No. 2015-ZCA-007

**Request:** A request to consider a zone change amendment to construct an approximately 20,000 sq. ft. building on the property zoned PD-C (Planned Commercial) zone on 2.22 acres.

**Applicant:** Stephen Wade Auto Group

**Representative:** Mr. Bill Western, Western Design Group

**Location:** The project is located at 1792 South Black Ridge Dr., 302 and 288 West Hilton Dr.

**Acreage:** 2.22 acres

**Current Zone:** PD-C – Southgate Area PD

**General Plan:** COM (Commercial)

**Adjacent zones:** The property is surrounded by PD-C.

**Comments:**

1. The proposal is an amendment to the existing PD-C zone. The use has been approved with the original zone change and the approval will be the site plan, colors, materials, as well as, design. Elevations, colors, and materials proposed have been provided for the PC's review and discussion.
2. A SPR (Site Plan Review) application (*civil engineering plan set*) shall be submitted and approved by staff.
3. Currently, each parcel has a structure, which is being proposed to be removed. A lot merger and right-of-way abandonment will need to occur, prior to construction.
4. The applicant is proposing a wall sign, which extends beyond the roofline. Per City Ordinance 9-13-4:B.2, wall signs are not permitted to rise above the roofline or parapet wall. However, an applicant may request signage that differs from what is outlined in the sign code as part of the PD approval. The proposed sign is attached to the building and extends approximately sixteen feet

(16') above the roofline. According to the applicant, the sign is part of the standard architecture of Mercedes dealerships.

5. Staff recommends approval.

**PD ZONE CHANGE  
PLANNED DEVELOPMENT (PD)  
APPLICATION & CHECKLIST**



APPLICATION FOR A ZONE CHANGE AS PROVIDED BY THE  
CITY OF ST. GEORGE ZONING ORDINANCE  
CITY OF ST. GEORGE, UTAH

**I. PROPERTY OWNER(S) / APPLICANT & PROPERTY INFORMATION**

LEGAL OWNER(S) OF SUBJECT PROPERTY: STEPHEN WARD ALCO GROUP

MAILING ADDRESS: 150 W. HILTON DRIVE

PHONE: 435-628-9200 CELL: 435-229-0936 FAX: 435-674-1765

APPLICANT: \_\_\_\_\_  
(If different than owner)

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL ADDRESS(ES): ZHERREL@STEPHENWARD.COM

CONTACT PERSON / REPRESENTATIVE: BILL WESTERN - WESTERN DESIGN GROUP  
(i.e. Developer, Civil Engineer, Architect; if different than owner)

MAILING ADDRESS: 11 N. 300 W. WASHINGTON, UT 84780

PHONE: 435-656-1312 CELL: 435-773-7083 FAX: ---

EMAIL ADDRESS(ES): BILL@WESTERNARCHITECT.COM

A general description of the property location is as follows: (Give approx. street address, general location etc., and attach a vicinity map or property plat showing the subject property and the surrounding areas.) Include a **colored** site plan and **colored** landscape plan, and **colored** elevation drawings (all four sides) suitable for presentations in public meetings. NORTH WEST CORNER OF HILTON DRIVE & BLACK RIDGE DRIVE

The Zone Change becomes effective on the hearing date if approved by the City Council. A PD (Planned Development Residential Zone) *is approved for a period of 18 months only* unless building permits have been issued and the project commenced prior to 18 months from the above hearing date.

**OFFICE STAFF USE ONLY**

CASE #: 2015-ZC-007 FILING DATE: 3/3/15 RECEIVED BY: [Signature] RECIEPT #: \_\_\_\_\_

\*FEE: \$500 (Filing fee and 1<sup>st</sup> acre) + \$50.00 per ac for 2-100 ac and \$25 per ac 101-500 and \$10.00 per ac 501-plus

**II. ADDITIONAL INFORMATION**

Provide the following information: (Attach additional sheets if necessary)

1. What is the present zoning on the property? PLAN DEVELOPMENT COMMERCIAL
2. What zone or zones are requested by this application? PLAN DEVELOPMENT COMMERCIAL
3. Is the zone change in harmony with the present City General Plan? Yes  No
4. If no, what does the City General Plan propose for the subject property? \_\_\_\_\_  
*(If the application is not in harmony with the City General Plan, a General Plan Amendment hearing will be required prior to the zone change request. General Plan Amendment hearings are held four (4) times per year in January, April, July, and October. A General Plan Amendment application can be obtained from the Community Development Department or online at <http://www.sgcity.org/commdev/forms.php>)*
5. Total acreage of proposed zone change: 2
6. Are there deed restrictions against the property that might affect the requested zone change?  
Yes \_\_\_\_\_ No   
*A copy of the deed restrictions, if any, may be submitted in support of the application and shall be submitted if contrary to the request zone change.*
7. Has a Traffic Impact Study or Traffic Analysis been completed to determine any traffic impacts?  
Yes \_\_\_\_\_ No   
*IF YES, submit the Traffic Impact Study with the application for review by Traffic Engineering.  
IF NO, a Traffic Impact Study will be required (if determined necessary at Planning Staff Review) to be submitted with the application and reviewed prior to approval by the City Council.*
8. Is the necessary utility capacity available (water, power, sewer and drainage) to serve the zone change parcel? Yes  No \_\_\_\_\_  
Please describe the projected demand for utility services: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. SUBMISSION CHECKLIST FOR PD (PLANNED DEVELOPMENT) ZONE**

**(A COMPLETE ZONE CHANGE APPLICATION MUST BE SUBMITTED A MINIMUM OF 3 WEEKS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING)**

Development/Project Name MERCEDES-BENZ OF ST. GEORGE  
(Project name **must be** previously approved by the Washington County Recorder & City Planning Department)  
Developer/Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_  
Contact Person/Representative \_\_\_\_\_ Phone No. \_\_\_\_\_  
Licensed Surveyor \_\_\_\_\_ Phone No. \_\_\_\_\_

**PD ZONE CHANGE PROCEDURE**

**Step #1 Meet with Planning Staff Review (PSR) – Meets every Tuesday at 8:30 a.m. Call Community Development at 627-4206 to be scheduled for this meeting.**

*Note: Call at least one day in advance to schedule.*

**Step #2 Document Submission Checklist\***

**Legal Description Documents:**

*Submit the following documents: (These documents **must** be prepared by a licensed surveyor)*

- 1. Described bearings on all documents must be rotated to HCN;
- 2. Legal description prepared on 8-1/2" x 11" sheet and signed by a licensed Surveyor;
- 3. Minimum size 8-1/2" x 11" graphical representation of Survey Boundary;
- 4. Legal description and Surveyed Site Plan (Record of Survey) drawing in DWG format on a CD for the GIS Department;
- 5. 24"x36" Surveyed Site Plan (Record of Survey) drawing sheet(s) for meeting exhibit

**Other Submission Documents:**

- 6. This Zone Change application form completed and signed;
- 7. Appropriate\*\* **Filing Fee: \$500 (filing fee and 1<sup>st</sup> acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus**
- 8. County ownership plat with boundary of zone change outlined;
- 9. List of property owners within 500' and **two sets** of mailing labels;
- 10. **Colored** Site Plan & Landscape Plan – minimum size 24" x 36";
- 11. Building elevation(s) – **Colored** renderings, all four building sides;
- 12. **Board mounted** materials and color samples (i.e. roof tile samples, stucco samples, stone samples, and paint color swatches, etc.);
- 13. For buildings over 35' ft in height also provide a **colored photo simulation**;

- 14. 8-1/2" x 11" reduction of the site plan, landscape plan, and building elevations;
- 15. Written text (as outlined in Zoning Ordinance Chapter 8, Section 10-8-4);
- 16. CD with the above images in JPEG, BMP or TIFF format and the written text in PDF format

*\*Note: This application will be considered incomplete without the above documents*

*\*\*Note: There is NO FEE for acreage rezoned to Open Space*

### **Step #3 Planning Commission and City Council Hearings**

Planning Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 5:00 p.m. All applications, the legal description and surveyed site plan drawing (Record of Survey) must be complete and submitted at least 3 weeks prior to the meeting. Incomplete or inaccurate applications **will not** be accepted or scheduled. City Council sets a public hearing date after a recommendation for approval from the Planning Commission, and then there is a 14-day advertising period prior to the public hearing.

**Hearing Dates:**

Planning Commission \_\_\_\_\_  
 City Council Set Date \_\_\_\_\_  
 City Council Hearing Date \_\_\_\_\_  
 Council Action \_\_\_\_\_

**Filing Fee: \$500 (filing fee and 1<sup>st</sup> acre) + \$50.00 per acre for 2-100 acre and \$25 per acre 101-500 and \$10.00 per acre 501-plus - NO FEE for acreage rezoned to Open Space**

### **IV. COMMENTS**

1. Please be aware that, if determined necessary by City staff, Planning Commission and the St. George City Council, additional information and/or special studies may be required to review the project. These may include, but not be limited to: Additional Color Renderings, Photo simulations, Computer fly-bys, Site Section Cuts, Color 'Bird's Eye' renderings, and additional color swatches and building materials.

\_\_\_\_\_

\_\_\_\_\_

2. Until the following information is submitted, your application will be considered incomplete:

\_\_\_\_\_

\_\_\_\_\_

3. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to



## Mercedes-Benz of St. George

Stephen Wade Auto Dealerships proposes to build a new Mercedes-Benz Auto Dealership at the North West corner of Hilton Drive and Black Ridge Drive. The present buildings, Auto Dealer's Building, the old Carpet Barn and the Auto Car Wash will be removed. This dealership will be approximately 20,000 SF and a height of not more than 24' to 28'. The dealership will include new and pre-owned cars sales with a service department with 11 service bays. The building will be constructed out of Steel Framing, concrete block. The exterior finishes will be glass window walls, ACM silver and black finishes and light grey colored E.F.I.S.









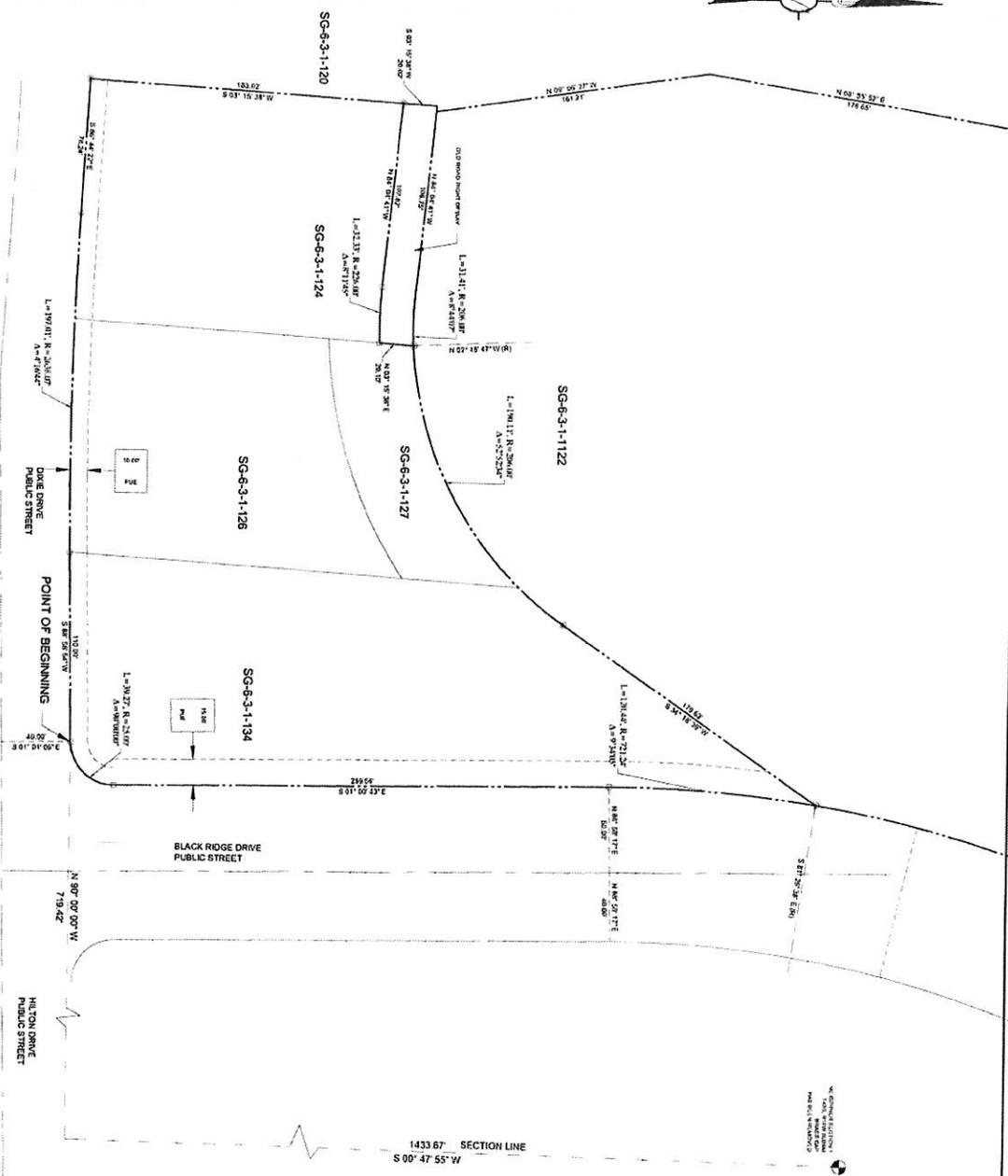
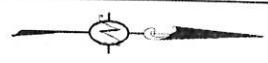
Google earth

feet  
meters



Google earth

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**SURVEYOR'S CERTIFICATE**

I, LLOYD BIRD POPE, HEREBY CERTIFY THAT ABOVE THE LINES OF THE STATE OF IOWA, I HAVE BEEN DULY LICENSED AS A SURVEYOR AND THAT I AM A MEMBER OF THE IOWA SURVEYORS ASSOCIATION. I HAVE PERSONALLY CONDUCTED THE SURVEY AND THE ACCURACY OF THE SAME IS GUARANTEED BY MY PROFESSIONAL STANDARDS AND ETHICS. I HAVE NOT BEEN CONVICTED OF ANY CRIME THAT WOULD IMPAIR MY CREDIT AS A SURVEYOR. I HAVE NOT BEEN CONVICTED OF ANY CRIME THAT WOULD IMPAIR MY CREDIT AS A SURVEYOR. I HAVE NOT BEEN CONVICTED OF ANY CRIME THAT WOULD IMPAIR MY CREDIT AS A SURVEYOR.



LLOYD BIRD POPE, PROFESSIONAL ENGINEER  
 LICENSE NO. 104, STATE OF IOWA  
 REGISTERED AND EXPIRES ON 12/31/2020

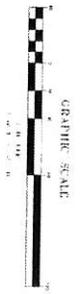
**MERGED PARCELS DESCRIPTION**

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**NARRATIVE**  
 THE PURPOSE OF THIS SURVEY IS TO ALLOW THE CONSTRUCTION OF A NEW HIGHWAY AND TO DEFINE THE BOUNDARIES OF THE PROPERTY.

**CLIENT**  
 STEPHEN WALKER-SAMUELSON, OWNER

- LEGEND**
- SURVEY CORNER
  - BOUNDARY CORNER TO BE SET
  - POINT CORNER TO BE SET
  - SET CHISEL



**REVERSE EXCHANGE NO. 37 LLC  
 RECORD OF SURVEY MAP-LOT MERGER**

LOCATED IN NE 1/4 OF SECTION 1, T.43 S., R.16 W., SLSB11



| No. | DATE | BY | APPROV'D | REVISION DESCRIPTION |
|-----|------|----|----------|----------------------|
|     |      |    |          |                      |
|     |      |    |          |                      |
|     |      |    |          |                      |
|     |      |    |          |                      |

DATE: JANUARY 2017  
 SHEET 1 OF 1



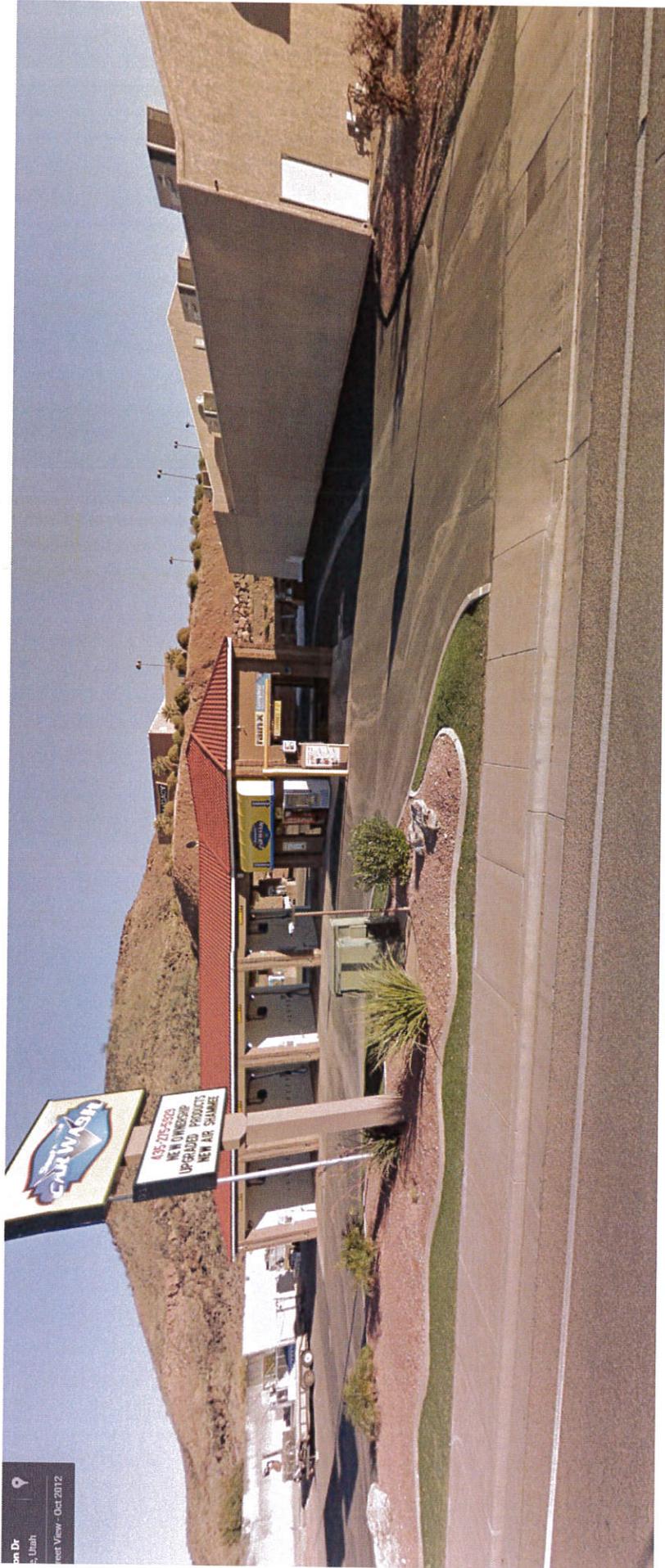








285 Hillen Dr  
George, Utah  
Street View - Oct 2012



son Dr  
Utah  
Street View - Oct 2012

# ITEM 3B

## Zone Change

PLANNING COMMISSION AGENDA REPORT: 3/24/2015

### ZONE CHANGE

#### **Smith's Shopping Center – Riverside Drive & Mall Dr**

Case No. 2015-ZCA-006

- Request:** This is a request to rezone property from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to C-2 (Highway Commercial) zone on 28.802 acres.
- Project:** A C-2 zone change is requested to change the land use to allow for the future submittal of a commercial retail center with a major anchor grocery store and several shops. Future pads will also be developed for restaurants and retail service orientated uses.
- Project Name:** “Dinosaur Crossing Shopping Center”
- Owner:** Dinosaur Crossing LLC  
2920 S 925 W  
Ogden, Utah 84402
- Applicant:** Smith's Food and Drug Centers  
C/O Mr. David Nielson  
1550 S Redwood Road  
Salt Lake City, Utah 84104  
[david.nielson@sfdc.com](mailto:david.nielson@sfdc.com)
- Representative(s):** Anderson Wahlen and Associates  
C/O Mr. Brett Wahlen  
2010 N Redwood Rd  
Salt Lake City, Utah 84116  
[bretw@awagreatbasin.com](mailto:bretw@awagreatbasin.com)
- Location:** Located at the north east corner of Riverside Drive and Mall Drive from Mall Drive to 2200 E and Riverside Drive to the river.
- Acreage:** 28.802 acres (1,254,615.12 sq. ft.)
- Current Zone:** C-2 and R-1-10
- General Plan:** COM (Commercial)

**Adjacent zones:** The property is immediately surrounded by R-1-10 to the west, south, and east. To the northwest is the newly constructed Golden West Credit Union in the adjacent C-2 zone. Across Riverside Drive to the north is C-2 zoning.

**Ordinance(s):** A commercial land use will require a zone change to a commercial zone and will be subject to the commercial standards found in Title 10 Chapter 10 "Commercial Zones."

Section 10-10-5.I of the Zoning Ordinance requires that projects which exceed 20,000 sq. ft. will need to submit for review by the Planning Commission and City Council a BDCSP (Building Design Conceptual Site Plan) application. The BDCSP requires submittal of colored renderings, colored and dimensioned elevations (for all building sides), site plan, landscaping plan, and a materials and colors board.

Section 10-10-4 requires a CUP (Conditional Use Permit) application be submitted for any building height that exceeds 35 feet in height.

Section 10-10-5 "Special Provisions" will apply to any proposed outside storage, display, or trash enclosures.

**Comments:** In comparison to this zone change request, the Red Rock Commons Commercial Center (*PetSmart / Dick's Sporting Goods*) is zoned C-2 and was processed by a zone change application, a BDCSP application, and a CUP. The Target shopping center is in a PD-C zone and the new Lin's Commercial Shopping Center is seeking a PD-C zone with a development agreement and master sign plan.

Note that staff has encouraged the applicant to submit for a PD-C zone change, but the applicant chooses to instead pursue a C-2 zoning. In response to the concerns expressed by staff, the applicant is proposing a development agreement that eliminates land uses, which may not be compatible with the surrounding areas. Further, future buildings and site plans would be reviewed and approved by Planning Commission and City Council. The proposed agreement does address concerns with a C-2 zoning in the area, and has similar oversight that a PD-C would provide. The development agreement should be completed prior to City Council.

The following comments are included to illustrate what is currently available for review and what will be required in the future with other applications for this site.

1. Written Text – No written text has been submitted and is not required (*only required for a PD-C*).
2. Narrative – The applicant has not provided a narrative.
3. Development Agreement – In addition to the proposed agreement, there is an existing agreement between the City and property owner. The document establishes the developer and city's obligations, in regards to dedicated right of ways and driveway approvals. The applicant has provided staff with a copy of the Development Agreement. A copy is available for review in the Case File. For reference, see attached e-mail dated Feb 13<sup>th</sup> which summarizes this agreement.
4. Traffic Study – A T.I.S. (Traffic Impact Study) was prepared by Horrocks Engineers for Mall Drive and the Mall Drive Bridge.
5. Use List – The applicant has provided a use list for the property, which would be regulated by a development agreement. The applicant has proposed that uses that may not be compatible or appropriate with the area be removed. Further, a few uses the applicant has proposed as CUP's, which are permitted in the C-2 zone. The proposal does include residential units, mixed use – residential above commercial as a CUP, which is currently not permitted in the C-2 zone. A complete list is attached for Planning Commission review.
6. Roadway Improvements – see instead Development Agreement.
7. Trail – No trail is proposed with this zone change, but on the future BDCSP and SPR application submittals, the applicant will need to demonstrate that a trail is linked into the trail system with the Mall Drive Bridge. Note that there are two 10 ft. wide sidewalks on each side of the bridge. Also note that ultimately the bridge will have 4 lanes of vehicle travel way.
8. Design – No building elevations, colors, and materials have been provided with this C-2 zone change request. A conceptual site plan only has been provided, but it is not part of the C-2

zone change approval process. Note that a BDCSP (Building Design Conceptual Site Plan) application will be required to be submitted and reviewed at a future date by the Planning Commission and City Council. The applicant is proposing that all buildings and site plans be reviewed and approved by the Planning Commission and City Council as part of the development agreement.

No overall design theme has been provided.

9. CUP – For building heights over 35 feet, a conditional use permit application will be required (*not required in a PD-C zone*).
10. SPR - A SPR (Site Plan Review) application shall be submitted and approved by staff. This is the civil engineering plans.
11. Commercial Subdivision – This project will require the future submittal of a Preliminary Plat and Final Plat.
12. Setbacks – Standard C-2 setbacks will be required and will be checked during the SPR (Site Plan Review) process by staff.
13. Parking – No parking data box has yet been provided. The City's standard for parking (Section 10-19-5) requires a minimum of one parking space per each 250 gross sq. ft. (1:250) for retail and office uses and this equates to 4 spaces per 1,000 sq. ft. A data box explaining parking will be required on the site plan. Restaurants and food services require a minimum of one space per each 100 gross sq. ft. (1:100).
14. Bicycles – Staff recommends that with the submittal of a BDCSP application, that bicycle racks will be planned and provided into the development to encourage an alternative method of travel and utilization of the walking and bicycle trails.
15. Master Signage Plan – No Master Sign Plan has been requested and this project will not qualify for one (*as it is not a PD-C zone*).
16. Drainage – No drainage information is provided with this zone change application. Staff will review during the civil engineering plan check process.

17. C.O. - No C.O. (Certificate of Occupation) shall be approved until all improvements are installed per approved developments civil and construction plans.

18. Future Pad Development – It is anticipated that future development of identified pad areas on the conceptual site plan will require separate BDCSP applications.

No design standards for pad designs have been provided (*note: in the Red Rock Commons commercial center, the applicant provided design standards for future development to compliment the theme and design colors of the center*).

19. Phasing – It is anticipated that this project will be developed in phases, but an overall plan has not been provided.

20. Lighting – No information has been provided for site lighting. With the submittal of a SPR application, a photometric plan will be required.

21. Landscaping - No information has been provided for site landscaping. With the submittal of a BDCSP and SPR application, a landscape plan will be required.

22. Project Overview – Although this application is only for a zone change, the conceptual site plan provided indicates the following:

1. Anchor 'A' - Grocery Store - 123,494 sq. ft.
2. Anchor 'B' – 15,000 sq. ft.
3. Anchor 'C' – 15,000 sq. ft.
4. Retail 'A' – 6,839 sq. ft.
5. Retail 'C' – 4,250 sq. ft.
6. Retail 'D' – 7,156 sq. ft.
7. Retail 'F' – 12,000 sq. ft.
8. Office 'A' – 2 story – 12,800 sq. ft.
9. Office 'B' – 1 story – 6,400 sq. ft.
10. Pad 'E' – 6,000 sq. ft.
11. Pad 'H' – 5,500 sq. ft.
12. Pad 'J' – 6,000 sq. ft.
13. Pad 'K' – 4,500 sq. ft.
14. Pad 'L' – 6,000 sq. ft.
15. Fuel Center G (gas station)

**Options:**

The Planning Commission has several options it can make to the City Council regarding this zone change request:

1. Recommend approval of the zone change to C-2 with the development agreement as proposed by the applicant. The development agreement would include a modified use list, as well as, approval of all building elevations and site plans by the Planning Commission and City Council prior to obtaining a building permit. The agreement should be completed prior to the City Council meeting.
2. Recommend Denial of the zone change to C-2.
3. Table the request to allow the applicant time to provide any missing information the Planning Commission determines is required to review this request at a future meeting.

## Chapter 10 COMMERCIAL ZONES (C-1, C-2, C-3, C-4)

### 10-10-1: PURPOSE:

#### A. C-1 Neighborhood Convenience Commercial Zone:

1. The C-1 neighborhood convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone shall not exceed five (5) acres.
2. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:
  - a. Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
  - b. No entertainment except music shall be permitted in any C-1 zone.
  - c. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas. (Ord. 2005-03-006, 3-17-2005)

#### B. C-2 Highway Commercial Zone:

1. The principal objective in establishing the C-2 highway commercial zone is to provide space within the city where facilities that serve the traveling public can be most appropriately located. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the city and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public.

2. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

**C. C-3 General Commercial Zone:**

1. The objective of the general commercial zone is to provide space within the city where nearly all types of commercial goods and services may be provided. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.
2. The C-3 general commercial zone is located principally along major highways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major highways. (Ord. 2003-05-003, 5-15-2003)

**D. C-4 Central Business District Commercial Zone:**

1. The objective in establishing the C-4 central business district commercial zone is to identify a principal shopping and financial center within the city. Uses characteristic of the zone include banks, office buildings, public offices, hotels, theaters, and similar uses offering a wide variety of services. Residential above commercial/office/retail uses are allowed and are subject to specific design standards. The types of goods which may be offered for sale include "durable goods" such as automobiles, appliances, hardware and sporting goods as well as goods that may be found in the C-1 neighborhood convenience commercial zone.
2. Since it is intended that the establishments within this zone will serve the entire city and surrounding area, this zone is located in the central portion of the city in a location that will best serve the population of the area. (Ord. 2009-04-005, 4-23-2009)

**10-10-2: PERMITTED USES:**

In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "C" are allowed on a conditional use basis. Uses designated with the letter "N" will not be allowed in that zone. The following listing is not intended to be all inclusive, but rather, indicative of uses permitted in the zone:

|  | C-1 | C-2 | C-3 | C-4 |
|--|-----|-----|-----|-----|
|  |     |     |     |     |

|                                                                                                       |                                                                                                       |   |               |   |   |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|---|---------------|---|---|
| Alcohol establishments, including the following and similar uses:                                     |                                                                                                       |   |               |   |   |
|                                                                                                       | Bar, beer parlor, tavern, lounge, sale of draft beer                                                  | N | C             | C | C |
|                                                                                                       | <del>Liquor store</del>                                                                               | N | P             | P | P |
|                                                                                                       | Microbrewery with restaurant                                                                          | N | P             | P | P |
|                                                                                                       | Nightclub, dance hall (with alcohol)                                                                  | N | C             | C | C |
| Amusement centers, recreation and entertainment facilities, including the following and similar uses: |                                                                                                       |   |               |   |   |
|                                                                                                       | <del>Ball fields, lighted</del>                                                                       | N | C             | C | C |
|                                                                                                       | <del>Ball fields, unlighted</del>                                                                     | N | P             | P | N |
|                                                                                                       | <del>Billiard hall, pool hall</del>                                                                   | N | N             | P | P |
|                                                                                                       | Bowling alley                                                                                         | N | P             | P | P |
|                                                                                                       | <del>Circus, carnival, or other transient amusement</del>                                             | N | P             | P | C |
|                                                                                                       | Dance studio, martial arts studio                                                                     | P | P             | P | P |
|                                                                                                       | <del>Golf course (miniature)</del>                                                                    | N | P             | P | P |
|                                                                                                       | Health club/spa, fitness center                                                                       | P | P             | P | P |
|                                                                                                       | Indoor archery range                                                                                  | N | P             | P | N |
|                                                                                                       | Indoor entertainment activities such as paintball, miniature golf, arcade                             | N | P             | P | P |
|                                                                                                       | <del>Indoor shooting range (see subsection 10-10-51 of this chapter for additional information)</del> | N | P             | P | N |
|                                                                                                       | Nightclub, dance hall (without alcohol)                                                               | N | P             | P | P |
|                                                                                                       | Outdoor entertainment activities such as miniature golf, go-carts, skating, bowling                   | N | C             | C | C |
|                                                                                                       | Park, playground, public open space, visitor center                                                   | P | P             | P | P |
|                                                                                                       | Recreation center, gymnasium                                                                          | N | P             | P | P |
| *                                                                                                     | Rollerskating rink                                                                                    | N | <del>PC</del> | P | P |
|                                                                                                       | <del>Skateboard park</del>                                                                            | N | C             | C | N |
|                                                                                                       | <del>Stadium, amphitheater, indoor arena, sports complex</del>                                        | N | C             | C | N |
| *                                                                                                     | Swimming pool, commercial indoor or outdoor                                                           | N | <del>PC</del> | P | N |
|                                                                                                       | Theater, motion picture or live performance                                                           | N | P             | P | P |

|                                                                                                                                                                                  |   |   |   |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| Water park (water slides, etc.)                                                                                                                                                  | N | P | P | N |
| Animal services, including the following and similar uses:                                                                                                                       |   |   |   |   |
| <del>Animal boarding for large animals</del>                                                                                                                                     | N | N | N | N |
| <del>Animal boarding for small animals only and boarded for less than 30 days a year, provided conducted completely within enclosed building</del>                               | N | P | P | N |
| <del>Animal hospital and veterinarian clinic, including overnight care for small animals, provided conducted completely within enclosed building</del>                           | N | P | P | P |
| <del>Animal hospital and veterinarian clinic, including overnight care of large animals</del>                                                                                    | N | C | C | N |
| <del>Animal shelter (nongovernment) for small animals only, provided conducted completely within enclosed building and houses more than 30 animals</del>                         | N | C | C | N |
| <del>Animal shelter (nongovernment) for small animals only, provided conducted completely within enclosed building and houses no more than 30 animals</del>                      | N | P | P | N |
| <del>Kennels for commercial breeders</del>                                                                                                                                       | N | N | N | N |
| Automobile and vehicle services, including the following and similar uses:                                                                                                       |   |   |   |   |
| <del>Automobile, new or used sales and service (see subsection 10-10-5H of this chapter for additional information)</del>                                                        | N | P | P | C |
| <del>Automobile parking lot, in accordance with regulations specified in subsection 10-10-5M of this chapter</del>                                                               | N | P | P | P |
| Automobile parts sales (new parts only)                                                                                                                                          | N | P | P | P |
| <del>Automobile parts sales (used parts)</del>                                                                                                                                   | N | C | C | N |
| Automobile rental                                                                                                                                                                | N | P | P | P |
| <del>Automobile repair, storage, including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within completely enclosed building</del> | N | P | P | P |
| Car wash, manual or automatic spray (without recirculation)                                                                                                                      | C | C | C | C |

IF ENCLOSED \*

|                                                                                                                                                                                                            |   |   |   |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| Car wash, recirculating water system manual or auto spray                                                                                                                                                  | C | P | P | P |
| <del>Tire recapping or retreading</del>                                                                                                                                                                    | N | N | C | N |
| Tire sales and service                                                                                                                                                                                     | N | P | P | P |
| Business and financial services, including the following and similar uses:                                                                                                                                 |   |   |   |   |
| Bank or financial institution                                                                                                                                                                              | P | P | P | P |
| Professional or business office only, no merchandise on premises (employment, real estate, travel, accounting, attorney, etc.)                                                                             | P | P | P | P |
| Telemarketing or call centers                                                                                                                                                                              | N | P | P | P |
| Food service establishments, including the following and similar uses:                                                                                                                                     |   |   |   |   |
| Bakery                                                                                                                                                                                                     | P | P | P | P |
| Catering establishment                                                                                                                                                                                     | N | P | P | P |
| Delicatessen                                                                                                                                                                                               | P | P | P | P |
| Ice cream parlor                                                                                                                                                                                           | P | P | P | P |
| Restaurant, drive-in                                                                                                                                                                                       | N | P | P | P |
| Restaurant, sit down                                                                                                                                                                                       | C | P | P | P |
| Lodging, temporary, including the following and similar uses:                                                                                                                                              |   |   |   |   |
| <del>Bed and breakfast</del>                                                                                                                                                                               | N | P | P | P |
| <del>Boarding house</del>                                                                                                                                                                                  | N | N | N | N |
| <del>Hotel/motel</del>                                                                                                                                                                                     | N | P | P | P |
| <del>RV parks, long and short term</del>                                                                                                                                                                   | N | C | N | N |
| <del>Timeshare units</del>                                                                                                                                                                                 | N | C | C | C |
| Manufacturing, fabrication, storage, and distribution of goods including the following and similar products, provided that operations and sales are within an enclosed building except as provided herein: |   |   |   |   |
| <del>Candy manufacture, nonindustrial production, in shop retail manufacturing</del>                                                                                                                       | N | P | P | P |

|                                                                                                                       |   |        |   |   |
|-----------------------------------------------------------------------------------------------------------------------|---|--------|---|---|
| <del>Sign manufacture or sign painting (indoor only)</del>                                                            | N | P      | P | N |
| <del>Sign manufacture or sign painting (outdoor only)</del>                                                           | N | C      | C | N |
| Medical, dental, counseling services, including the following and similar uses:                                       |   |        |   |   |
| Ambulance service                                                                                                     | N | P      | P | N |
| Counseling center, mental health, alcohol, drugs                                                                      | N | P      | P | P |
| <del>Hospitals</del>                                                                                                  | N | N      | P | P |
| Laboratory, dental or medical                                                                                         | N | P      | P | P |
| Medical/dental office or clinic                                                                                       | P | P      | P | P |
| <del>Mental health treatment center, with overnight stay</del>                                                        | N | C      | C | C |
| <del>Nursing home</del>                                                                                               | N | P      | P | N |
| Optometrist, optician                                                                                                 | N | P      | P | P |
| Meeting and assembly uses, including the following and similar uses:                                                  |   |        |   |   |
| Church                                                                                                                | P | P      | P | P |
| Lodge, fraternal organization, senior center, meeting room, or social hall                                            | N | P      | P | P |
| Reception center, conference center or wedding chapel                                                                 | N | P      | P | P |
| Residential, including the following and similar uses:                                                                |   |        |   |   |
| Living quarters for manager or security personnel for business which requires 24 hour assistance or security          | N | C      | C | C |
| <del>Residential units - college student housing</del>                                                                | N | N      | N | N |
| <del>Residential units, existing single-family homes (see subsection 10-10-5J of this chapter for requirements)</del> | P | P      | P | P |
| * Residential units, mixed use - residential above commercial (building design)                                       | N | X<br>C | N | P |

|                                                                                                                                                 |   |   |   |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| standards apply, see subsection 10-10-5K of this chapter)                                                                                       |   |   |   |   |
| <del>Residential units, with R-4 zone development standards only (see section 10-10-3 of this chapter for exceptions)</del>                     | N | N | N | N |
| Retail sale of goods with all operations conducted in an enclosed building, including the following and similar uses:                           |   |   |   |   |
| Antique store                                                                                                                                   | N | P | P | P |
| Athletic and sporting goods store                                                                                                               | N | P | P | P |
| Bookstore                                                                                                                                       | P | P | P | P |
| Department store                                                                                                                                | N | P | P | P |
| Drive-through sales (pharmacy, dairy products, etc.)                                                                                            | N | P | P | P |
| Florist shop                                                                                                                                    | P | P | P | P |
| Furniture and large appliances sales (used)                                                                                                     | N | P | P | C |
| Furniture sales (new) and repair                                                                                                                | N | P | P | P |
| Household appliance sales and service                                                                                                           | N | P | P | P |
| Office supply, office machines sales and service                                                                                                | N | P | P | P |
| Paint or wallpaper store                                                                                                                        | N | P | P | P |
| <del>Pawnshop</del>                                                                                                                             | N | P | P | P |
| <del>Payday lending/title loans</del>                                                                                                           | N | P | P | N |
| Pet and pet supply store, groomery                                                                                                              | P | P | P | P |
| Pharmacy                                                                                                                                        | P | P | P | P |
| Retail goods establishments (predominately indoor sales)                                                                                        | N | P | P | P |
| Seed and feed store, retail                                                                                                                     | N | C | P | N |
| Supermarket/grocery store                                                                                                                       | P | P | P | P |
| <del>Thrift shop/secondhand store/consignment store (no outside storage and no drop-off of items during the hours the business is closed)</del> | N | P | P | P |

|                                                                                                       |   |   |   |   |
|-------------------------------------------------------------------------------------------------------|---|---|---|---|
| Vegetable stand                                                                                       | N | P | P | P |
| Wholesale business                                                                                    | N | P | P | P |
| Retail sale of goods with some operations outdoors, including the following and similar uses:         |   |   |   |   |
| <del>Auction establishment (retail goods only), swap-meets</del>                                      | N | C | C | N |
| <del>Building materials sales</del>                                                                   | N | N | P | N |
| <del>Cabinet shop</del>                                                                               | N | N | P | N |
| Christmas tree sales                                                                                  | P | P | P | P |
| Convenience markets with gas pumps                                                                    | P | P | P | P |
| <del>Farm implement sales</del>                                                                       | N | P | P | N |
| <del>Fence, sales and service</del>                                                                   | N | P | P | N |
| Garden supplies and plant material sales                                                              | N | P | P | N |
| Gas station                                                                                           | N | P | P | P |
| <del>Greenhouse and nursery; soil and lawn service</del>                                              | N | N | P | N |
| <del>Junk dealers and junkyards</del>                                                                 | N | N | N | N |
| <del>Landscape rock sales yard</del>                                                                  | N | N | N | N |
| <del>Landscape rock sales yard, incidental to a permitted use and less than 500 pounds per load</del> | N | N | P | N |
| <del>Lumberyard</del>                                                                                 | N | N | P | N |
| <del>Mobile home sales lot and service</del>                                                          | N | P | P | N |
| <del>Monument works and sales</del>                                                                   | N | N | P | N |
| <del>Motorcycle or boat sales and service</del>                                                       | N | P | P | N |
| Nursery, plants                                                                                       | N | P | P | N |
| <del>Rental agency for home and garden equipment</del>                                                | N | P | P | N |
| <del>Trailer sales and service</del>                                                                  | N | P | P | N |
|                                                                                                       |   |   |   |   |

|                                                                                                                                                                                                                                                                                                     |   |   |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
| Service businesses, including the following and similar uses:                                                                                                                                                                                                                                       |   |   |   |   |
| Barbershop/beauty shop                                                                                                                                                                                                                                                                              | P | P | P | P |
| <del>Body piercing, incidental to a permitted use</del>                                                                                                                                                                                                                                             | N | P | P | P |
| Carpet and rug cleaning                                                                                                                                                                                                                                                                             | N | P | P | P |
| Child nursery, daycare, preschool                                                                                                                                                                                                                                                                   | P | P | P | P |
| <del>Construction trade services, plumbing shop, electrical shop, etc.</del>                                                                                                                                                                                                                        | N | N | P | N |
| <del>Crematorium, independent human</del>                                                                                                                                                                                                                                                           | N | N | C | N |
| Educational institutions, schools, college, learning centers, trade schools (no residential or 24 hour facilities)                                                                                                                                                                                  | N | P | P | P |
| Gunsmith                                                                                                                                                                                                                                                                                            | N | P | P | P |
| Janitor service and supply                                                                                                                                                                                                                                                                          | N | P | P | P |
| Laundry or dry cleaners, laundromat                                                                                                                                                                                                                                                                 | P | P | P | P |
| Locksmith                                                                                                                                                                                                                                                                                           | N | P | P | P |
| Mail services                                                                                                                                                                                                                                                                                       | P | P | P | P |
| Massage establishment                                                                                                                                                                                                                                                                               | P | P | P | P |
| <del>Mortuary</del>                                                                                                                                                                                                                                                                                 | N | P | P | P |
| <del>Moving and storage company</del>                                                                                                                                                                                                                                                               | N | N | P | N |
| Newsstand                                                                                                                                                                                                                                                                                           | P | P | P | P |
| Permanent cosmetics, a secondary use to an establishment employing cosmetologist(s)/barber(s), aesthetician(s), electrologist(s), or nail technician(s) licensed by the state under 58-11a-101 et seq., Utah Code Annotated, 1953, as amended, excluding tattoo establishments and home occupations | P | P | P | P |

|  |                                                                                                                                      |   |   |   |   |
|--|--------------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|
|  | Pest control and extermination                                                                                                       | N | P | P | P |
|  | Pet grooming                                                                                                                         | N | P | P | P |
|  | Printing, lithographing, publishing or reproduction sales and service                                                                | N | C | P | P |
|  | <del>Psychic, tarot-card reader, fortune-teller, occult-art practitioners, hypnotist</del>                                           | N | P | P | P |
|  | <del>RV-storage</del>                                                                                                                | N | C | C | N |
|  | Retail services establishments                                                                                                       | N | P | P | P |
|  | <del>Septic-tank-pumper</del>                                                                                                        | N | N | N | N |
|  | <del>Sexually-oriented businesses</del>                                                                                              | N | N | N | N |
|  | <del>Sign sales</del>                                                                                                                | N | P | P | P |
|  | <del>Storage-rental-units, ministorage and self-storage (building-design-standards apply, see section 10-10-3 of this chapter)</del> | N | C | C | N |
|  | Tattoo-establishment                                                                                                                 | N | N | C | N |
|  | Taxidermist                                                                                                                          | N | C | C | N |
|  | <del>Towing (towing-service-office only, no on-site-vehicle-storage or impound-yards)</del>                                          | N | P | P | N |
|  | Welding shop                                                                                                                         | N | N | C | N |
|  | Transportation, including the following and similar uses:                                                                            |   |   |   |   |
|  | <del>Bus-terminal</del>                                                                                                              | N | P | P | P |
|  | <del>Taxi-</del>                                                                                                                     | N | P | P | P |
|  | <del>Truck-terminal</del>                                                                                                            | N | N | N | N |
|  | Utility, government, public services and facilities, including the following and similar uses:                                       |   |   |   |   |
|  | Cable television and satellite dish provider                                                                                         | N | P | P | P |

|                                             |   |   |   |   |
|---------------------------------------------|---|---|---|---|
| Electrical substation, power stations       | N | C | C | C |
| Government buildings or uses, nonindustrial | N | P | P | P |
| Library                                     | N | P | P | P |
| <del>Materials recycling facility</del>     | N | N | N | N |
| Museum                                      | N | P | P | P |
| Post office                                 | P | P | P | P |
| Television or radio station                 | N | P | P | P |
| <del>Wind turbines, power generation</del>  | N | N | N | N |

Other uses similar to the above and judged by the planning commission to be in harmony with the intent and purpose of the zone. (Ord. 2012-05-002, 5-17-2012; amd. Ord. 2014-02-001, 2-6-2014)

**10-10-3: CONDITIONAL USES:**

Condominium conversions of motels, hotels and other such buildings which are at least ten (10) years old and are located within the C-2, C-3 and C-4 zones may be converted to condominiums (requiring ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas) on a conditional use basis provided that at least twenty percent (20%) of the private lot area is developed as open green space or children's playground area, and that two (2) parking spaces per residential unit are provided.

Storage rental units, ministorage or self-storage; building design standards.

A. In manufacturing zones, no special standards except normal landscape requirements (chapter 25 of this title) will apply.

B. In commercial zones C-2 and C-3 a "conditional use permit" (CUP) is required and subject to the additional building design standards below:

1. Storage rental units shall be limited to twelve feet (12') overall height for the storage unit portion of the facility.
2. Site location of storage facilities shall be:

## Ray Snyder

---

**From:** Bret Wahlen [bretw@awagreatbasin.com]  
**Sent:** Friday, February 13, 2015 11:15 AM  
**To:** Ray Snyder  
**Cc:** Kirk Randall; Jake Tate; Nielson, Dave; Keith Buswell  
**Subject:** FW: Dinosaur Crossing Shopping Center  
**Attachments:** Agreement - Dino City Mall Drive - 09-18-14.pdf

Ray, attached is the developer's agreement with the city for dedicating right of way and approving the driveways. Subparagraph 3g approves the driveway locations. We worked with Aaron Baker with Horrocks on their traffic model and the approved locations of driveways as they were designing the bridge and Mall drive. This was just after he left the city. We also worked closely with Cameron Cutler to finalize the agreement and as well as the driveways etc. The City traffic study for Mall drive and the bridge should provide the city with adequate information to determine if the site can be zoned for commercial uses. Our client is planning on submitting for the C-2 rezone. They are preparing a newer version of their elevations that is not yet ready complete. They are anxious to start the city process and understand that an additional set of approval meetings will be required. We are planning on attending your meeting on Tuesday morning. I will have Jake Tate one of our Engineers attend the meeting and I will be available by phone. We will call and set an appointment with the planning secretary to be on the agenda. Thanks

**Bret G Wahlen, PE**

President



ANDERSON WAHLEN & ASSOCIATES  
Great Basin Engineering South

2010 N. Redwood Road  
Salt Lake City, UT 84116  
D: 801.410.8502  
C: 801.243.6000  
[bretw@awagreatbasin.com](mailto:bretw@awagreatbasin.com)  
[www.awaengineering.net](http://www.awaengineering.net)

**From:** Keith Buswell [mailto:kbuswell@wadman.com]  
**Sent:** Thursday, February 12, 2015 11:46 AM  
**To:** Bret Wahlen  
**Cc:** David Wadman  
**Subject:** Re: Dinosaur Crossing Shopping Center

Bret, attached the fully executed Agreement between St George City and Dinosaur Crossing for the Construction of Mall Drive dated 09/18/14 per your request.

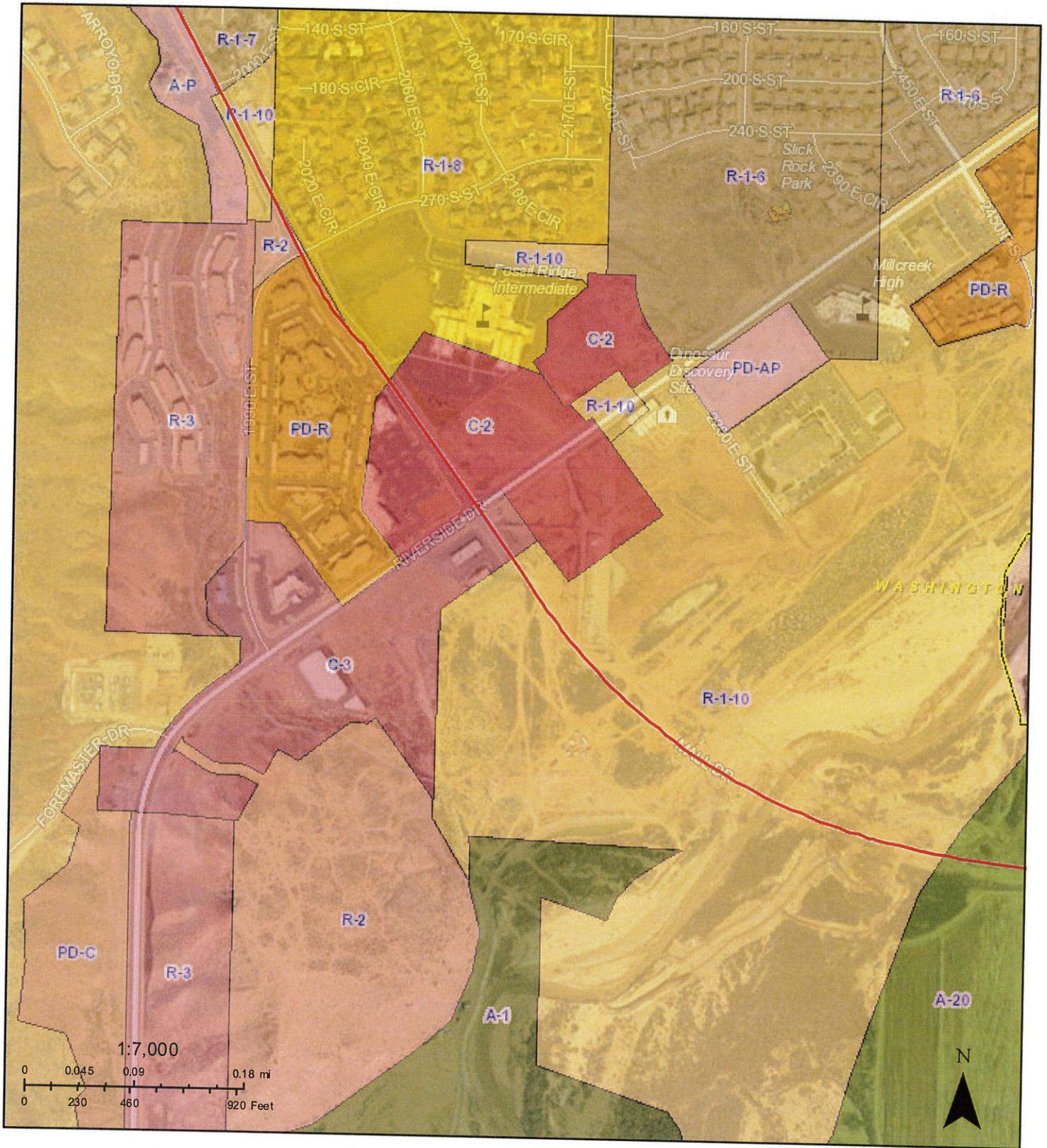


**Keith M. Buswell | Vice President - Corporate Relations**

O: 801.621.4185 | M: 801.510.1773 | F: 801.621.7232 | [www.wadman.com](http://www.wadman.com)

On Thu, Feb 12, 2015 at 9:53 AM, Bret Wahlen <[bretw@awagreatbasin.com](mailto:bretw@awagreatbasin.com)> wrote:



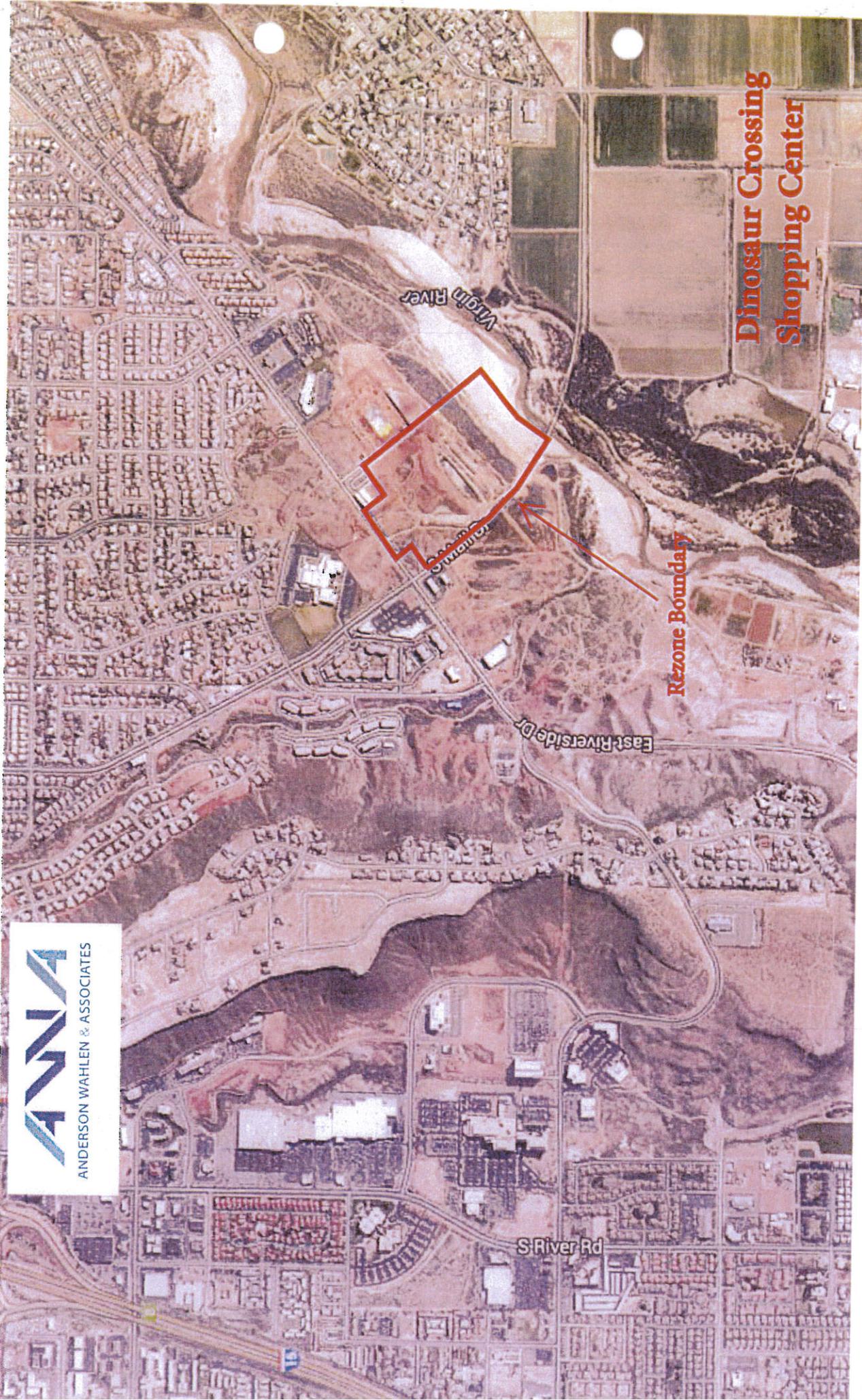


# Zoning Map

Made by the City of St. George GIS Department  
 SGCityMaps - <http://maps.sgcity.org/sgcitymaps>

February 24, 2015

**ANWA**  
ANDERSON WAHLEN & ASSOCIATES



**Dinosaur Crossing  
Shopping Center**

Rezone Boundary





**Preliminary Site Data**

|                      |                    |                     |                    |
|----------------------|--------------------|---------------------|--------------------|
| Smith's expansion    | 655 stalls (5,300) | 524,650 sf          | 12.044 ac          |
| Retail A             | 645 stalls (4,320) |                     |                    |
| Anchor B             |                    |                     |                    |
| Anchor C             |                    |                     |                    |
| Retail D             |                    |                     |                    |
| Pad E                |                    |                     |                    |
| Pad F                |                    |                     |                    |
| Fuel Center G        | J Stalls (10,760)  | 49,153 sf           | 1.128 ac           |
| Pad H                |                    |                     |                    |
| Pad I                |                    |                     |                    |
| Goldenwest           |                    |                     |                    |
| Pad K                |                    |                     |                    |
| Pad L                |                    |                     |                    |
| <b>Total Parking</b> | <b>231,668 sf</b>  | <b>1,138 Stalls</b> | <b>(4.91/1000)</b> |
| W/ Expansion         |                    |                     |                    |

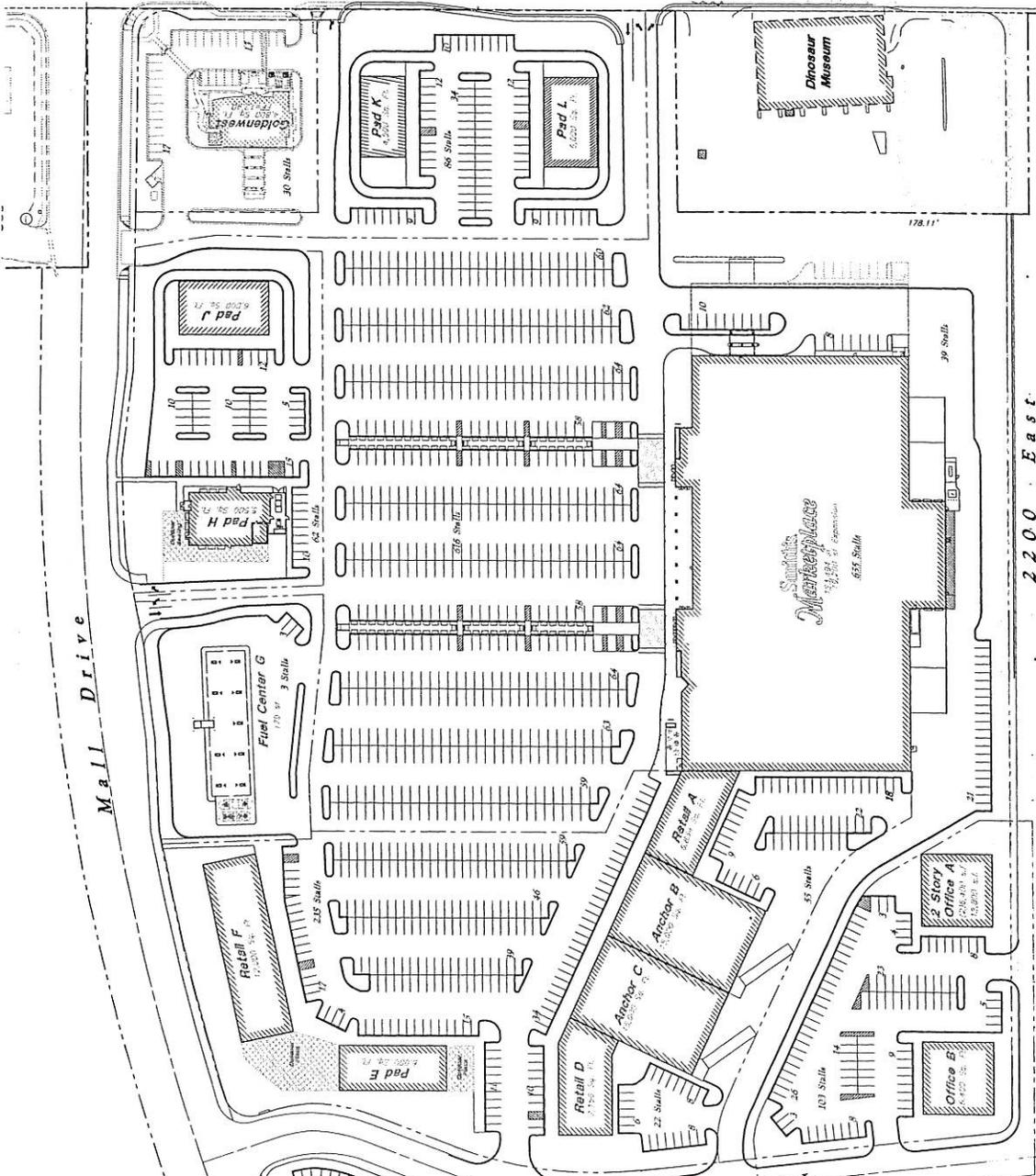
Riverside Drive

Mall Drive

Maidge Bridge

Future Road

2200 East



ANDERSON WALSH & ASSOCIATES  
2010 North River Road, Suite 100, City, Utah 84118  
801.521.8228 - amy@awah.com

Smith's @ St. George  
Riverside & Mall Drive  
St. George, Utah  
Conceptual Site Plan

12 Feb 2015



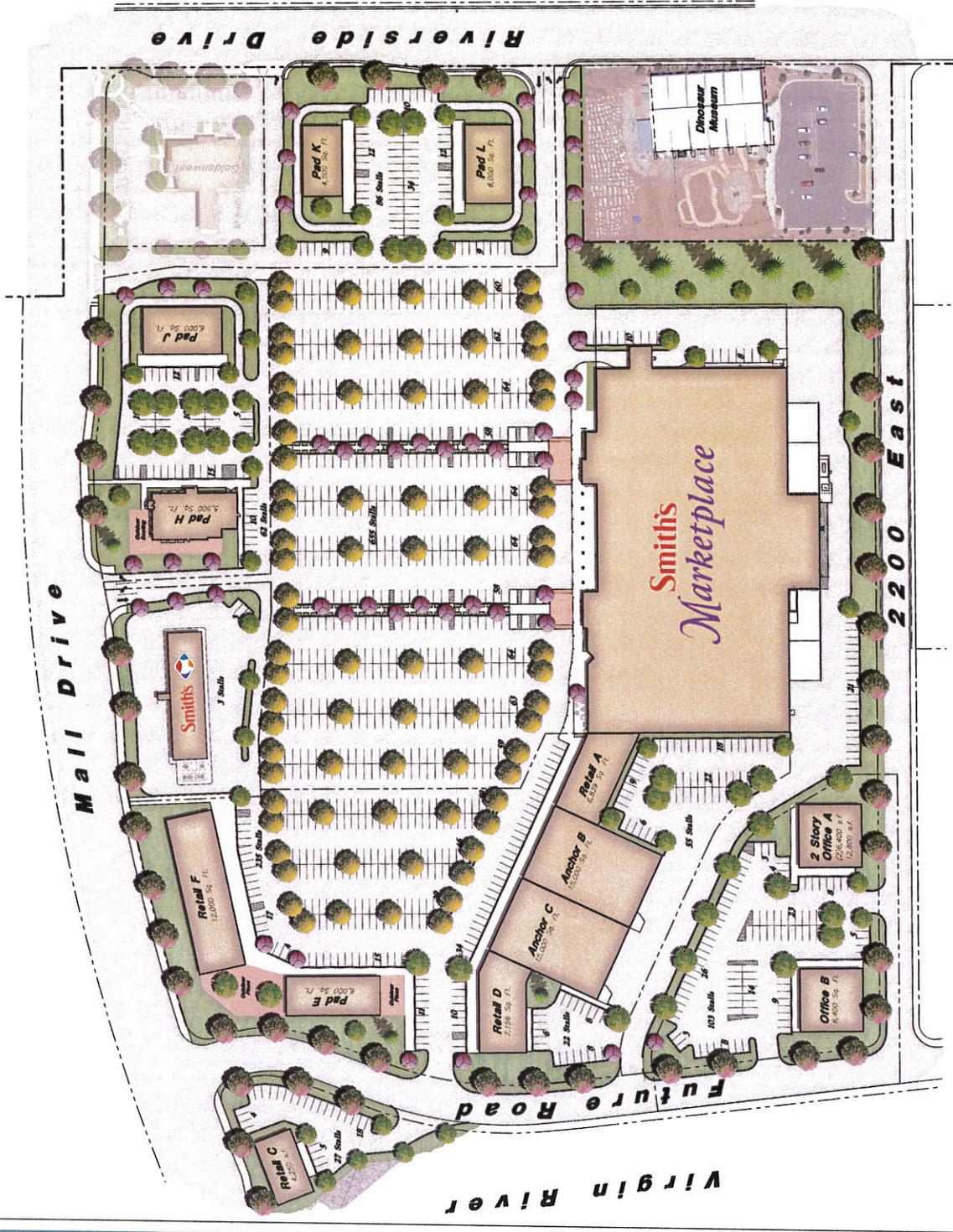
# Dinosaur Crossing Shopping Center

Riverside Drive & Mall Drive  
St. George, Utah



Scale: 1" = 60'

**ANNA**  
ANDERSON WAHLEN & ASSOCIATES



# ITEM 4

## CUP - Car Sales

PLANNING COMMISSION AGENDA REPORT: 03/24/2015

### CONDITIONAL USE PERMIT

Case # 2015-CUP-007

- Request:** The applicant request to expand the existing automotive dealership ‘**Premier Car and Truck**’ to 148 West St. George Blvd on approximately 0.12 acres. The C-4 zone requires a conditional use permit (CUP) for a car dealership. The applicant proposes to expand the display area to sell automobiles on the property.
- History:** The former business license for this location was for the Irmita’s
- Issue(s):** Expanding to the adjacent property is increasing the use; therefore, a CUP is required. The applicant is requesting to maintain the existing landscaping on the site, which does not meet code. The ropet
- Location:** 148 West St George Blvd. Current business is located at 116 West St. George Blvd.
- Zoning:** C-4
- Narrative:** Attached is a narrative provided by the applicant.
- Rep.:** Mr. Ron Caplin
- Parking:** One (1) parking space for customers is required per every seven (7) displayed vehicles (cars, motorcycles, etc.) and two (2) spaces for management. The customer parking spaces will need to be striped and signage provided.
- Landscaping:** Current code and standards for Sales Lots For Automobiles, requires compliance with the landscape standards, which requires 15’ along the street. Currently, the site has approximately 5’ of landscaping. The applicant is requesting to maintain the existing landscape and not expand to 15’.
- Adj. Uses:** The surrounding properties are commercial.
- Setbacks:** Existing building
- Bldg. Height:** Existing single story building. The applicant is proposing to use the existing sales office on the adjacent property and not the building on site.

**Comments:** The applicant is proposing to expand the existing automotive sales. Expanding to the adjacent property is increasing the use; therefore, a CUP is required. The code does require car lots to have a minimum of 100' of frontage. Zoning Ordinance 10-10-5:H states: Minimum Lot Width: Minimum lot width for one side shall be one hundred feet (100') of frontage on a public street. The parcel alone does not qualify as a car lot, nor could it be used as an independent automotive sales business, given it would not meet the frontage requirement. The only use of the property as car sales is in conjunction with an existing business.

The property is surrounded on two sides with similar uses and staff does not believe that expanding to the property will have a negative impact. The request does comply with City Code, regarding Sales Lots For Automobiles, however, the applicant is requesting to maintain existing landscaping.

The following are suggested conditions, if the Planning Commission recommends approval;

1. The expanding lot conforms with parking standards, regarding display to customer parking ratio and is striped and signage provided.
2. The property must only be used in conjunction with an existing automotive sales business and not as a separate car sales lot.
3. Landscape be maintained as it exists on the property.

**Findings:** The following standards must be met to mitigate the reasonably anticipated detrimental effects **if imposed** as a condition of approval:

| Yes                                                                                   | N/A | Category | Description                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------|-----|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Control all noise levels to prevent disturbance of any neighbors.                     |     | A. Noise | 1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. |
| Comply with Local, State, and Federal air quality (submit fugitive dust plan to City) |     | B. Dust  | 1. Comply with all air quality standards, state, federal and local.<br>2. Use shall not create unusual or obnoxious dust beyond the property line.                                                                                                                                                                                                                                                                              |
| Contain all odors to meet city and state                                              |     | C. Odors | 1. Comply with all air quality standards, state, federal and local.<br><br>2. Use shall not create unusual or obnoxious odors beyond the property line.                                                                                                                                                                                                                                                                         |

|                                                 |   |                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------|---|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| standards                                       |   |                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                 |   | D. Aesthetics                             | 1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.                                                                                                                                                                                                                                                                   |
| Comply with Local, State, and Federal standards |   | E. Safety                                 | 1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rockfall, erosion, flooding, fire, hazardous materials, or related problems.<br><br>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws. |
|                                                 | X | F. Traffic                                | 1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".<br>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.                                                                                                              |
| No new building is proposed                     | X | G. Height                                 | 1. Buildings shall fit into the overall context of the surrounding area.<br>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.                                                              |
|                                                 | X | H. Hours of Operation                     | 1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation so as not to disturb the peace and quiet of the adjacent residential area.                                                                                                                                                                                                                                                  |
|                                                 | X | I. Saturation / Spacing                   | 1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.                                                                                                                                                                                                                                       |
|                                                 | X | J. Maintain Character and purpose of zone | 1. Uses shall be consistent with the character and purpose of the zone within which they are located.                                                                                                                                                                                                                                                                                                                                    |
| Comply with State standards                     |   | K. Public Health                          | 1. Use shall comply with all sanitation and solid waste disposal codes.<br>2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)                                                                                                                                                                                                                                                                                  |





**CONDITIONAL USE PERMIT**  
APPLICATION & CHECKLIST



**I. PROPERTY OWNER(S) / APPLICANT INFORMATION**

APPLICANT: RON CAPLIN (PREMIER CAR & TRUCK)  
(If different than owner)  
MAILING ADDRESS: 116 W. ST GEORGE BLVD  
ST GEORGE, UT 84770  
PHONE: 435-628-8111 CELL: 435-632-8040 FAX: 435-656-2205  
E-MAIL ADDRESS: premiercars1@gmail.com  
LOCATION OF SUBJECT PROPERTY: 148 W. ST GEORGE BLVD

CONTACT PERSON / REPRESENTATIVE (if applicable): RON CAPLIN  
(If different than owner)  
MAILING ADDRESS: 116 W. ST GEORGE BLVD  
ST GEORGE, UT 84770  
PHONE: 435-628-8111 CELL: 435-632-8040 FAX: 435-656-2205  
E-MAIL ADDRESS: premiercars1@gmail.com

**II. PROPERTY INFORMATION**

ZONING: C4 SUBDIVISION: \_\_\_\_\_

TAX I.D. NUMBER (PARCEL SERIAL NUMBER): SG-474-A-1

EXISTING USE: RESTAURANT  
Use of property and/or Buildings

PROPOSED USE: AUTO DEALERSHIP (IN CONJUNCTION W/116 W ST GEORGE BLVD)  
Use of property and/or Buildings.

**OFFICE STAFF USE ONLY**

CASE NO. 2015-CUP-007 FILING DATE: 3/10 RECEIVED BY: [Signature] RECEIPT: \_\_\_\_\_

FEE: \$300.00 - PAYABLE BY CHECK OR MONEY ORDER. CASH WILL NOT BE ACCEPTED

5. Are there any deed restrictions affecting the use of the property involved? Give the expiration date of these restrictions, if applicable.

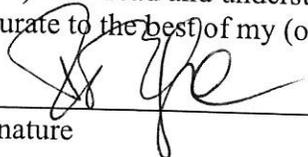
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6. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, landscaping, storm drain facilities, and all other improvements required under City Ordinance shall be completed prior to the issuance of a certificate of occupancy or approval for permanent electric power service. In the event such improvements cannot be completed prior to receiving permanent or a certificate due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashiers check, bond, escrow, or other financial guarantee acceptable to the City attorney shall be provided to the City guaranteeing that such improvements will be fully completed within ninety (90) days of the issuance of permanent power and/or a certificate of occupancy.

**VII. APPLICANT AGREEMENT**

I (we) have read and understood the requirements of this application and all information is true and accurate to the best of my (our) abilities.

  
Signature \_\_\_\_\_ Date 3/18/15

Signature \_\_\_\_\_ Date \_\_\_\_\_

# PREMIER CAR & TRUCK

116 W. ST GEORGE BLVD.

ST GEORGE, UT 84770

435-628-8111 office

435-656-2205 fax

premiercars1@gmail.com

March 16, 2015

To whom it may concern:

In acquiring the property at 148 W St George Blvd, it is our intent to use the space for additional display of inventory. We will expand our existing front line of vehicles to the west, adding an additional 3-4 units. We will also utilize the space to the north of the front line, along the west property boundary for display as well. We anticipate adding approximately 10-15 units there, as space permits.

In combining the 148 W St George Blvd site into our existing 116 W St George Blvd location, we will continue to use the existing showroom, offices and detail bays to operate Premier Car & Truck, an auto dealership. The building (on 148 W St George Blvd) of approximately 500 square feet, will be not be used in our business operations at this time.

If there is any further information you deem necessary, feel free to contact me on my cell phone, 435-632-8040.

Premier Car & Truck

Ron Caplin

A handwritten signature in black ink, appearing to read 'Ron Caplin', with a long horizontal flourish extending to the right.

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
October 28, 2014 – 5:00 PM**

**PRESENT:**

Chair Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Don Buehner  
Commissioner Julie Hullinger  
Commissioner Diane Adams  
Commissioner Todd Staheli  
Council Member Joe Bowcutt

**CITY STAFF:**

Assistant Director of Public Works Wes Jenkins  
Community Development Coordinator Bob Nicholson  
Planning Manager John Willis  
Planner II Ray Snyder  
City Surveyor Todd Jacobsen  
Assistant City Attorney Victoria Hales  
Planning Associate Genna Singh

**EXCUSED:**

Commissioner Nathan Fisher

**FLAG SALUTE**

Chairman Ross Taylor called the meeting to order at 5:00 pm and asked Councilman Joe Bowcutt to lead the flag salute.

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for “**Desert Edge Phase 2**” a thirty (30) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at the southeast corner of Deserts Edge Drive and Broke Mesa Drive (at approximately 3500 East & 6100 South). Case No. 2014-FP-065. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- B. Consider approval of a final plat for “**Desert Plateau Phase 2**” a ten (10) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located on the east side of Deserts Edge Drive at Chimney Rock Road (at approximately 3380 East and 6230 South). Case No. 2014-FP-069. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- C. Consider approval of a final plat for “**Escapes at the Ledges Phase 2**” a twenty-one (21) unit residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located easterly of the East Ledges Round-A-Bout and Ledges Parkway (in the Ledges Development at approximately 5000 North and 1720 West). Case No. 2014-FP-064. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

- D. Consider approval of a final plat for “**Fieldstone Phase 1**” a twenty-five (25) lot residential subdivision plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located on the south side of Crimson ridge Drive at 2240 East Street (in the Little Valley area). Case No. 2014-FP-068. (Staff – Todd J.).

Todd Jacobsen presented the item with no comments.

Victoria Hales added that the items are subject to legal.

**MOTION: Commissioner Ro Wilkinson 1A, 1B, 1C, and 1D with legal counsel.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (6)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

- E. Consider approval of a final plat for “**Legends of Cactus Flats**” a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Wes J. for Todd J.).

*Note: This item was previously tabled at the Sept. 16<sup>th</sup> and Oct. 14<sup>th</sup> PC meetings.*

Wes Jenkins showed a power point regarding this plat.

Wes Jenkins explained:

They will slope 2:1 to the proposed pad elevation. The slope will go down to the existing wall and will not impose on the existing wall. As far as drainage, anything that comes off of the slope will come to the wall and drain toward the walkout basement lot. The other lots are now slab on grade and no longer walk out. The two pads will have a small berm at the top of the

slope. Any drainage that falls on those pads until developed will flow north to the street so it won't go against the church wall. They realize there is a slope to the wall so they propose to excavate small detention areas. That will keep the water away from the wall. The engineer has sized these to hold the amount of water to fall in a 100 year storm. The developer is not proposing retaining walls he would rather slope down and let the home owner build the walls if desired. There is a note on the plat that with each lot there will be a drainage and grading plan. That will be required with each building permit for those lots. That has to show how they'll take care of their water to not impact others. We will also put a note restating the wall ordinance stating the 8' height restriction unless stepped back.

Commission Don Buehner asked that Wes repeat the privacy wall note.

Wes Jenkins said you can go 8' on a retaining wall. If you want a privacy wall then you have to set it back from the retaining wall half the height of the retaining wall. So the privacy wall would have to be set back 4' from the retaining wall so you don't have a large wall. If you go to 8' you can put a wall on top if it is 50% open.

Commissioner Don Buehner asked that the retaining be restated.

Wes Jenkins responded that he'll pass those walls onto the home owners. They can either keep the slope or retain the dirt themselves.

Commissioner Diane Adams asked if the water retention is that underground.

Wes Jenkins said no. It will be a small detention area. The property owner is responsible so it's the developer's responsibility until the lots are sold.

Councilman Joe Bowcutt asked if the water goes out to the street from the basement lots.

Wes Jenkins responded that it will go down the slope and the grading will make it go out to the street.

Councilman Joe Bowcutt asked if a storm drain is involved.

Wes Jenkins said no, just the street. As the lots are developed they'll have to show a permanent solution.

Commissioner Diane Adams asked if lot 10 will have a walkout basement.

Wes Jenkins said it will.

Commissioner Diane Adams noted that half of it abuts to lot 9.

Wes Jenkins said a portion will be there and against lot 9.

Commissioner Diane Adams asked if any lots have been pre sold.

Wes Jenkins responded that they haven't sold yet.

Commissioner Diane Adams asked if the berm is dirt.

Wes Jenkins replied yes it is dirt. It's just to make the water not drain on someone else's property. We're looking to revise our standards to require berms on the edges of pads when graded so the water is kept on the lot or brought to the street.

Commissioner Don Buehner asked if this is an amendment to a final plat.

Wes Jenkins answered no; it's an amendment to what was approved as the preliminary plat and construction drawings.

Commissioner Todd Staheli asked if the elevations on the preliminary plat are the same.

Wes Jenkins said the elevations were lower on the preliminary plat. The hope is that as they come in and build they will back fill and lower the elevation the lots.

Assistant City Attorney Victoria Hales asked staff to clarify what the Commission is voting on.

Wes Jenkins said this was tabled.

Assistant City Attorney Victoria Hales asked if the item is an amended preliminary plat.

Wes Jenkins said no, this is a tabled final plat. The final plat was tabled because it had changed from the preliminary and construction drawings. No lot sizes have changed, only the walk out basements.

Assistant City Attorney Victoria Hales clarified that the drainage, elevations, and walk out basements have changed.

Commissioner Diane Adams asked if this item has been reviewed by legal.

Assistant City Attorney Victoria Hales said legal has discussed the item but it has not yet been approved by legal.

Commissioner Diane Adams noted that this would be subject to legal.

Chair Ross Taylor stated that the developer is here so we'll let him address this item. Most of the letters received were in regard to privacy. There is nothing in land use that pertains to privacy. That issue cannot be an area of focus for us. We can look at drainage and other issues that may impact the neighbors or developer.

Commissioner Ro Wilkinson explained that they can push through that wall and they can build above you and look onto your property.

Chair Ross Taylor said he is concerned about the dirt that was built up. I looked today and it looks like the dirt has been moved however there is still 2-3 feet of dirt built up.

Glen Bundy (applicant) said he doesn't know that is accurate.

Chair Ross Taylor countered that he had visited the site today.

Glen Bundy replied that he told the crew to go down to the footing. If that wasn't done it should have been done yesterday.

Chair Ross Taylor asked how you'll keep the dirt from sloping back down into that wall. If someone walks on the hill that dirt will fall and impose a load on that wall again.

Glen Bundy said he had looked at that as well and thought about putting concrete walls up; the expense is too great.

Chair Ross Taylor noted that not every person who buys a lot will put in a wall.

Glen Bundy said, I don't know what to tell you there.

Chair Ross Taylor said it makes it an iffy situation if there's not a sure plan that secures the existing fence.

Glen Bundy said we'll need to put in some fences.

Commissioner Don Buehner asked what the purpose is of the changed elevations.

Glen Bundy deferred that question to his engineer.

Commissioner Don Buehner said he understands walk out versus two story homes but I don't get why the elevation was raised unless it was for view or something else.

Glen Bundy responded that it was for balancing dirt and what we had. We had excess dirt so we used the lots for elevation to balance the dirt and to not have to haul the dirt out.

Paul Blackmore said we did adjust the grades because we had more dirt than expected. We put in daylighters because we didn't think we would have enough dirt. As for the slopes, I checked with a geotech and asked what a stable slope would be. He told me 2:1 would be the best. Before we are done we will make sure that the slope is truly 2:1. We understand that the dirt can sluff with rain or with foot traffic and it will be maintained. When someone comes in to

build the home I foresee them fixing the slope and addressing the walls with their site plans during the building permit process. I have walked the edges and there are some tricky situations that will be in the disclosures for each lot so people know what they have to address. Lot 7 on the southwest corner has an existing retaining wall and privacy wall. Any wall we put in has to be below that so we don't push on it. That note is in our disclosure. We cannot afford the walls at this time so we're opting for a stable slope. Yesterday when I left the site we had the preliminary slopes and detention areas done. We are making sure that the slope is stable. I did the hydrology calculations and assumed a 100 year event would hold. We had two storms earlier this year and one happened before any grading happened on the west side. Historically the low spot of this area came through our west boundary. One reason we made the lots high was so the flow from the subdivision to the west doesn't impose hardship on those lots. Based on the numbers we would get water in the detentions we build and the traditional flow would now go out to the road. By the time we have approval from the City it will be easy to monitor and will be something that is stable. Buyers do have the option to re-grade and/or put in a wall. We put in our disclosures a buyers choices and make sure they know what ordinances apply to them.

Chair Ross Taylor opened the item to the public.

Darren Ware – Skyline Estates lot 21

As it currently stands, all of the water that comes off the slopes drains to my corner. It sifts through my existing retaining wall. I have installed 5 drains in my yard and maintain those to keep the mud out and then the water goes out to the curb. I appreciate the thought of drainage but a 1" rainstorm would be 4,000 gallons of water. If my wall fails my drainage won't keep up. The maintenance on these will be every storm to clear mud and weeds. My concern is that we get the 3" rainstorm.

Paul Blackmore responded that we'll go out to his property and make sure it works. A developer is responsible for their water. This developer is getting water that they shouldn't in the first place. If we need to modify our numbers and detention we will.

Commissioner Todd Staheli asked that when a homeowner re-grades the lot and puts in fencing, what is the cost?

Paul Blackmore said that a home owner will pay per their design. The cost of the walls and such the home owner can decide. If I were to live on lot 12 I would have a tri-level. If they choose an 8' high wall they would have to get the bid. We do have some preliminary designs that they can use but I don't have a number for you. When the site was graded we compacted the pads. The extra dirt is designed to go behind the wall. It proved to be easier to compact than it was leave a pile of dirt.

Commissioner Diane Adams asked if the extra dirt will back fill a retaining wall.

Paul Blackmore said there is the pad and then the 2:1 slope with varying distances to the wall. If I were to buy lot 12 and wanted a maximum height wall; that wall could be 8' with 50% see through additional on top or stepped back. To step that back there needs to be dirt to fill the 4' step.

Scott Lindsay -

One concern I had was privacy but I'll move away from that. These are going to be smaller lots so most of us will have to deal with two different contractors. Why did the elevation change? Drainage still would have been an issue but now there's a height issue. We don't know when these

lots will sell. There will be sluffage and there is dirt along my wall as it is. It's not a big issue but it is a concern as these walls are for privacy. Some of these lots are 1' or higher than the existing wall and that's the starting point. That is why we're having a hard time understanding how this was allowed.

Commissioner Don Buehner clarified that it wasn't approved. It was done. It was something that has changed since the preliminary plat. They are looking for a final approval tonight with that change.

Scott Lindsay said there was a perfectly good privacy wall there so why now do we have to have a drainage issue and need more fencing. We have no idea what is going to happen in the future.

Paul Blackmore said the low spot on this was the property line on the west. There was an elevation there that we had to hold. We had to maintain the road and sewer elevations there.

Councilman Joe Bowcutt asked which road the sewer goes to.

Paul Blackmore replied that the sewer goes to the south side of the property and we have stubs to the north and to the east.

Commissioner Don Buehner said it runs to 2450 South to the south.

Paul Blackmore stated that there is sewer in Harvest Hills and we stubbed up for the future and our subdivision.

Councilman Joe Bowcutt asked if the elevation prior the sewer would not have worked.

Paul Blackmore said the sewer would have originally held, the dirt is just extra dirt. As far as the boundary wall there was always a retaining wall there. As far as drainage we have worked extensively to make sure that we've covered our bases. That drainage also dictated the height of the lots.

Assistant City Attorney Victoria Hales counseled that the developer's plans changed between the preliminary plat and the final plat. That's why these questions are before you at the final plat stage. It is perfectly appropriate to ask about the lot layout, dimensions, drainage, and storm water including alignment and grading, and downstream drainage, as well as a grading plan for walls and other design issues. That is found in 11-4-3. The vote today is after your questions have been answered. If answered you may continue or you may ask the developer for more. You can recommend approval, recommend denial, or ask for more information.

Commissioner Don Buehner asked if the motion is to approve or recommend approval.

Assistant City Attorney Victoria Hales said it is to recommend to City Council. All final plats are recommendations to City Council.

Chair Ross Taylor asked why the motion includes authorization for the chair to sign. Is that not approval?

Assistant City Attorney Victoria Hales said that Planning Commission recommends and City Council approves.

Commissioner Diane Adams asked if it is typical to approve a subdivision where the elevation is subject to change after approval. The comment was made that each lot can change the elevation. I assume none higher but I don't know.

Paul Blackmore responded that it happens everywhere. What you're talking about is controlled through the building permit process. In order to obtain a building permit you have to submit a site plan with drainage and grading plans. That review and approval is per staff. Grades can change regardless of where you are.

Chair Ross Taylor addressed the applicant stating he would much rather you put in the fences but I'm honoring your engineer's statements and will let it go. The problem is that this came in piecemeal but I feel we have had an adequate explanation.

Commissioner Todd Staheli asked if the change was brought to us before or after.

Wes Jenkins inserted that the change was walk out basements on three lots and no walk out basements on two lots. Yes the pads have changed and that was a concern but as Paul indicated that approval occurs when drawings are submitted. The change really is 3 walk outs to 1 walk out from the Preliminary Plat to the Final Plat.

Commissioner Don Buehner asked if the developer has the right to change the grade is that something in the purview of Planning Commission.

Assistant City Attorney Victoria Hales replied that the grading plan and drainage is in your purview. Retaining walls and other design issues are also in your purview.

Paul Blackmore added that when we design something, civil engineering is a bit of a blur. There is discovery as you go forward. When in the field you have to modify and accommodate but follow ordinance.

Commissioner Don Buehner said we're dealing with the drainage currently as undeveloped and then when developed. As far as currently at an undeveloped state and because of the amendments how documented does this have to be? Are these things like a 2:1 slope part of the plan?

Wes Jenkins responded that you are just approving the final plat.

Commissioner Todd Staheli asked if the home-owner can change the elevation.

Wes Jenkins responded that this is usually addressed at the preliminary plat stage. They have changed from that and we could have come forward with a preliminary plat amendment.

Commissioner Don Buehner asked if the 2:1 slopes and such that Paul talked about are part of the final plat.

Wes Jenkins said yes, notes on the grading plan and such have to be transferred to the final plat so buyers know.

Commissioner Don Buehner stated that the grading plan is critical to this approval and without that I don't think we should move forward.

Commissioner Diane Adams agreed.

Assistant City Attorney Victoria Hales asked if the revised plan came in today.

Paul Blackmore said yes, the plan did come in today, but it is a summary of what we've discussed in the past few weeks.

Assistant City Attorney Victoria Hales noted that the plan wasn't in our notice to the public.

Paul Blackmore said the notes were with correspondence with staff.

Assistant City Attorney Victoria Hales countered that the Planning Commission is considering an item that wasn't in the agenda.

Paul Blackmore asked if the Commission had the drawings or conditions.

Commissioner Don Buehner said the changes haven't been clear to us and as we get clarity we realize we don't have the information. The process feels incomplete to me. When we recommend for approval it needs to be clear what is going forward.

Commissioner Todd Staheli said the applicant can table it or we can vote on it.

Paul Blackmore asked if the condition on approval is that the changes are made clear to council.

Assistant City Attorney Victoria Hales said you might want a recommendation from the Planning Commission or it's up to the developer to withdraw. What was given to the Planning Commission and public is different from what you're wanting approved.

Paul Blackmore countered that the conditions were always part of the submittal. The haziness is the 2:1 slope and berm which is easy to manage by staff.

Commissioner Don Buehner said there are two issues: the public notice and information that has changed. My issue is just the specifications with drainage and the walls that are non retention.

Wes Jenkins said that the grading plan shown on the power point is the grading plan that we'll go off of. Before the subdivision can be approved it will have to look like this plan. The berms and ponds and slope will have to be in place.

Commissioner Don Buehner said that the Planning Commission doesn't have those specifications.

Wes Jenkins said what you're looking at is a construction drawing. We approve this because it meets City standards. Before recording, the subdivision has to look like the grading plan.

Commissioner Don Buehner noted that when we recommend to City Council for approval it has to be clear. I'm fuzzy because changes require some specifications. Paul explained the drainage fairly well but those specifications are written somewhere but are not available to us as a Planning Commission so I just want to be able to review those because they deal with the changes that have occurred.

Commissioner Don Buehner said he would be willing to review those plans tonight if available.

Commissioner Todd Staheli asked if not having them prior to the meeting would be an issue.

Assistant City Attorney Victoria Hales counseled that you're looking at whether you can condition your recommendations, and that impacts the developers decision, whether he wants time to bring it back if he feels the commission isn't comfortable.

Chair Ross Taylor inserted that our staff know what those conditions are and are confident in them and I feel like if we move forward with a motion with those conditions being forced I feel comfortable with staff knowing what it going on, but if others are not comfortable then make a motion and we'll go from there.

Commissioner Don Buehner added that if the Commission could review the plans tonight it should be okay to move forward.

Paul Blackmore said he has the information with him.

**Chair Ross Taylor deferred the item until later in the agenda in order for the applicant to present the Commission with more information.**

## **2. ZONE CHANGES (ZC) - PUBLIC HEARINGS**

- A. Consider a zone change from OS (Open Space) to R-1-8 (Single Family Residential 8,000 sq. ft. minimum lot size) on 11.88 acres. The property is located between the end of Marigold Way and 1470 West Street in Bloomington. The project will be referred to as **"Hyde-Berry Park"** The applicant is MW Utah Properties 3, LLC and the representative is Mr. Rob Reid, Rosenberg Associates. Case No. 2014-ZC-011. (Staff – Ray S.).

Ray Snyder presented the following:

Please note that the change is from OS (Open Space) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size). Public noticing and letters were accurate; the only error was on this agenda blurb.

The general plan for this area is low density residential.

If approved there would be a preliminary plat and then final plat. Notices were sent out to neighbors 500' from the proposal and public notices have been posted. The applicant submitted this application a month or so ago and was held until staff received a letter from FEMA (LOMR).

*\*\*Assistant City Attorney Victoria Hales stepped out at 6:14 pm\*\**

The LOMR moves the property out of the flood plain and the developer will raise the area out the plain per their specifications.

An added item before you tonight is from the applicant. There was a letter sent to the neighbors by the applicant and the results of the email showed 15 responses in support of the zone change. The zone change looks to fit the area and FEMA has approved a LOMR. There has been neighbor support and we have not received any calls either way from citizens.

Rob Reid (Rosenberg) we got the floodplain development permit which allowed us to raise the area and submit to FEMA and now that we have the LOMR we're proceeding with the zone change

Chair Ross Taylor opened the item to the public.

Gordan Aire – 1292 Baneberry

Some history of this area – when I purchased my home 17 years ago new there had to be a long term plan in the works because I was surrounded by dead end streets. When I purchased Baneberry was developed but no one was on the south. We had some drainage issues and presented to the engineers and they put in an 18" pipe to take the drainage out to the river. Winegar started a sub

*\*\*Assistant City Attorney Victoria Hales returned at 6:20 pm\*\**

North side of Baneberry, I understand that there will be expansion. I'm here in support of this. Progress is good. The homes going there will solve another problem. During the 100 year storm we get a little lake so this will be good. The change from OS to R-1-10 should have been known by all of us long ago.

Reid Gilgin – south side of Baneberry – I did receive the email looking for support however I do know that several neighbors did not get that email and would have had some negative responses. We were told that no one would build behind because it was a flood

*\*\*Assistant City Attorney Victoria Hales stepped out at 6:23 pm\*\**

We've had a great view of the mountains and now Sun River and a horse pasture. I like the horses and openness but I'm torn having the view gone but horses gone. I know the building will be quality and increase my value but we're going to lose view. My feelings are mixed.

*\*\*Assistant City Attorney Victoria Hales returned at 6:25 pm\*\**

William R Endsley – I live on Marigold. We moved in 2000 when we were flood plain. We had Rosenberg come out and measure so FEMA didn't charge the full amount for flood insurance. Both my neighbors have been flooded but mine was high enough. The flood doesn't really come down the river it comes down the golf course and Marigold. We don't have retaining walls to prevent that. My question is what happens to my location and my neighbors. We also have property behind that goes to river's edge. The builder wanted possession of that but my neighbor didn't want to sell. What will happen to that when we sell eventually? Will this increase value and my taxes? I want to know what will happen to the 5 homes on the south side of Marigold. Will they be beneath Baneberry and their new homes? I'm impressed that things don't go by very quickly and that you ask questions to make sure home owners don't get stuck by the developer

Janene Eiler – I didn't get the email – I'm concerned with the floodplain area as well. My house is higher so it won't necessarily affect me but the flood did go into that park so we want don't someone who buys to get flooded.

Greg Eiler – end of 1470. I have had nothing but a negative reaction to the developer. We didn't get email and I would have loved to have it and respond. They have not been very proactive. They have been negative with the street of 1470 with mud and dirt brought into the area. Flooding is not our issue because we have retaining walls and such but if you look at Mesquite and the building on the landfill and if you look at north Salt Lake landslide, who is left responsible? The homeowner? People coming into this area at a later day will have no idea and we need to consider them.

Heidi Chant – 1343 Baneberry. We built 12 years ago. I love the horses. We were told it's a flood plain and have seen it rain. I'm sorry to see it developed but I realize this is how it goes. We are higher up and brought in boulders to shore up the dirt. I am concerned about the flooding. They started in the spring and stopped in June. I did notice that with their digging they dug trenches and brought in boulders that under dirt. Now there is a very large pond there. Is that underground water coming up? Is it coming from the river? When the developer came in Feb he gave us a handout with the design of the homes. I have concerns how big they will be when my home is tiny. The communication isn't very good. There are some drainage issues and we don't know where all the lines go. I can smell the sewer. I hope this takes a bit longer through the City to investigate and so the neighbors can know. I think we need more information.

Gary Stolts – 1361 Baneberry

We bought in 2004 and in January of 2005 I saw water less than 100' from my property line. I also did not get the email. It seems like the work that was done out there may not be enough. It doesn't seem like what they have done has sufficiently addressed the problem.

Chair Ross Taylor asked when the rip rap was installed.

Commissioner Todd Staheli said it was installed in 2005 after the major storm.

Rob Reid said the 2005 floods brought water into that area because the Santa Clara was so laden with sediment. Since then the channel has been widened. In 2010 the river was scoured and lowered the bottom which has allowed some of these other subdivisions like Baneberry. There is flooding that

comes down the Bloomington Wash that comes to Marigold but that's not part of this property. That area was not part of this study. It did bring homes that were in the floodplain out.

Chair Ross Taylor asked if the LOMR was from the scouring.

Rob Reid said it was a combination of 2005 and 2010.

Commissioner Diane Adams asked if it requires elevation.

Rob Reid said the City requires 2' above base. We've done the minimum in order to get the LOMR, to stay out of the plain we'll go to 2'.

Commissioner Diane Adams asked if there is a natural spring there.

Rob Reid replied that there's ground water and because we're so close to the river the ground water isn't very deep. Right now this is only a zone change.

Tiffany Nelson inserted that the water is there on purpose. We raised the elevation during the summer and neighbors were complaining about the water so they purposely dug below to collect the ground water and storm water.

Hayden Chant – We have a pool and when the wind blows the pool is pretty bad but that's life. I never saw water trucks close to us. If they had used water trucks I didn't see any. There hasn't been anything done out there since June. We need more communication.

Greg Eiler – the fire hydrant adjacent to us is the one they used to control the dust and such. They dug the holes and tried to use that and it didn't work at all. They park their equipment east of my property and I couldn't see their equipment because of the dust. Since July there has been nothing done for the dust. They don't use the fire hydrant by me anymore so I don't know what water they are using now. They haven't done a good job controlling the dirt.

Ray Snyder reminded all that tonight is a zone change and then they will come back with the preliminary plat and final plat. If those are approved then they will go through a site plan review process. The only issue tonight was that FEMA has looked at it and if elevated it could be developed.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales added that the zone change goes with land so any owner can use the land for the designated use.

**MOTION: Commissioner Julie Hullinger made a motion to approve 2A and include staff comments.**

***DISCUSSION ON THE MOTION:***

***Commissioner Don Buehner asked if the recommendation was for approval.***

***Commissioner Julie Hullinger said yes it was.***

***Commissioner Don Buehner asked that a reason why could be stated to the council. I agree with you.***

***Commissioner Julie Hullinger stated that I include staff comments and legal.***

***Chair Ross Taylor added that land use law states that the right of the property owner to have what is requested if they meet the necessary criteria. They have the LOMR so it can be developed and is no longer impacted by the flood plain. There is no particular reason they don't meet the criteria.***

**SECONDED: Commissioner Diane Adams seconded the motion.**

**AYES (6)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

- B. Consider a zone change from RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) on 5.047 acres. The property is located between **Tuweap Drive and 2100 West Street** (at the intersection of 2100 West and 1860 North Street). The applicant is New Trend Construction and the representative is Mr. Tim Kenney. Case No. 2014-ZC-014. (Staff – Ray S.).

Ray Snyder presented the following:

I talked to the engineer representing this who had to leave the meeting. She (Brandee Walker, Bush & Gudgell) left me her comments. The general plan does support LDR there. There was a pond there that was 3' deep. Brandee said the home will be torn down, the dried up pond will be filled, and they will clean up the area.

Commissioner Ro Wilkinson asked where the water is coming for the pond.

Ray Snyder stated that he had a little well or something he put there; it was man made. If there are concerns about drainage or water they will look at it for the civil plans. Staff has no issues or comments. This will be a good project for the area.

Chair Ross Taylor opened the item to the public.

Tenille Ewing – my family owns property north of this. We just want the zoning consistent with what is already there.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner asked what the surrounding zoning is.

Ray Snyder responded that the general plan is low density residential which is no more than 4 units per acre. The zoning around them varies. There is R-1-8 and R-1-10.

Chair Ross Taylor asked if this is the Fridel property. It's growing around there so it seems like a reasonable fit.

Assistant City Attorney Victoria Hales reminded the Commission that zoning runs with the land.

**MOTION: Commissioner Todd Staheli made a motion to approve 2b from RE-20 to R-1-10 including legal's comments.**

**SECONDED: Commissioner Julie Hullinger seconded the motion.**

**AYES (6)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion carries.**

3. **SUBDIVISION ORDINANCE AMENDMENT (ZRA) – PUBLIC HEARING**

Consider approval of a proposed amendment to the City Subdivision Regulations, Section 11-5-4.C.3 to allow a five foot (5') landscape and utility strip between the sidewalk and wall where additional road right-of-way and a **deceleration / acceleration lane** is provided at the request of the City. Case No. 2014-ZRA-006 (Staff Bob N.)

Bob Nicholson presented the following:

By practice for the last year or so we have been allowing this. The decel lane is a system improvement. We ask for the decel lanes to improve traffic flow. That lane is somewhere between 10-12' wide. We allow the landscape strip to be narrowed to 5'. The 5' is wide enough for a row of trees. The proposed amendment to the City Subdivision Ordinance, Section 11-5-4:C.3 is to allow for a 5' wide utility and landscape strip between the sidewalk and privacy wall where additional road right of way and a decel/accel lane is provided at the request of the City:

*“Where double frontage lots are platted, a six foot (6') high solid masonry wall shall be constructed along the public road for a privacy and noise screen. All walls shall comply with the standards set forth in Title 10, Chapter 18 of this code. The city may approve modifications to the masonry wall to allow for architectural elements such as wrought iron within sections of the wall. The privacy wall shall be set back from the sidewalk a minimum of ten feet (10') in order to provide access to and utilization of the utility easement and a landscape area for the planting of shrubs and trees. **Where the developer provides both additional public right-of-way and a deceleration / acceleration lane at the request of the city, the utility-landscape strip may be reduced to five (5) feet for the length of the additional deceleration / acceleration lane.**”*

Chair Ross Taylor asked if this also reduces the easement.

Bob Nicholson responded it does, but utilities on these are typically from the front of the lot. We've been doing this for some time so we need to have it on the books.

Councilman Joe Bowcutt clarified that this is only at the City's request and not a builder's discretion.

Bob Nicholson said if they want to improve the right of way and landscape we will encourage it.

Councilman Joe Bowcutt asked if he is not requested to do it and we want him to, he still has to go 10'?

Bob Nicholson clarified that we'll typically require it. It only applies on arterial streets where you need a deceleration lane.

Chair Ross Taylor opened the item to the public.

Chair Ross Taylor closed the public hearing.

**MOTION: Commissioner Diane Adams made a motion to recommend approval of Item 3 per staff comments.**

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**AYES (6)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion carries.**

*\*\*Assistant City Attorney Victoria Hales stepped out at 7:06 pm\*\**

4. **REVISED SITE PLAN (BDCSP)**

Consider proposed revised changes to the BDCSP (Building Design Conceptual Site Plan) for “**Joule Plaza**” by the developer. The changes include: revised building design, 17 additional units, 40 additional parking spaces, approval for certain uses to be considered as commercial uses. Located between 200 West and 300 West Streets on the south side of Tabernacle Street. Case No. 2014-BDCSP-005 (Staff Bob N.)

*\*\*Assistant City Attorney Victoria Hales returned at 7:07 pm  
Legends of Cactus Flats information was distributed\*\**

Bob Nicholson presented the following:

BLDG A, B, and C have not changed, the design is the same. The change is that there was underground parking. The water table is high so they now want a two level parking structure that is .5 level below grade and 1.5 above grade which would be 9’ above the finished grade. The parking will be on the south side with trees. There is also parking that goes through the middle (north/south) with the new 17 units proposed.

Commissioner Ro Wilkinson recused herself from the item.

Chair Ross Taylor stated that the building letters don’t correlate to the previous plan.

Bob Nicholson noted they did rename the buildings. The three main buildings are the same height.

Councilman Joe Bowcutt asked if the building height is the same for the parking structure.

Bob Nicholson said yes. The original three buildings heights have not changed. There is now the building in the middle with parking and residence (bldg C). Previously we granted 1.5 parking ratio and waived the guest parking. The other thing I wanted to point out is the proposed commercial uses on the ground floor. As long as they are commercial and open to the public they are legitimate uses. They propose storage rental closets. That designation is not listed in our code. The traditional storage unit is the one with a roll up door that you access from

outside. They propose interior hallways. Tenants can rent as well as any other business. That is up to your interpretation if this is allowed or not. They'll have a fitness facility that we approved conditioned that it is open to the public. We say that because in the mixed use they have to have half of the ground floor as a commercial use. If you look at the South Elevation you'll see the row of trees which is the view from 100 S. They'll see the trees and then parking structure is only 9' out of ground. The parking shouldn't be too intrusive. The parking is brown stucco with stone and brick accents.

Wes Davis – as far as the storage – they are ground level. We want them on 300 the main level and then the far southeast corner at 1,100 square feet. Someone from the outside of the building wouldn't know they were even there. You would come in through a professional door and there would be closets with auto lights.

Bob Nicholson added that there are pictures in the packet as an example from Bountiful.

Commissioner Todd Staheli asked if dollies will be available.

Wes Davis said that was doubtful as they are damaging to the carpet. It will be a small hallway you can access in and out.

Assistant City Attorney Victoria Hales asked if the storage facility is staffed.

Wes Davis responded there will be an onsite property manager.

Assistant City Attorney Victoria Hales asked if it is like a business. Is there a person behind this door?

Wes Davis said there would be a 3<sup>rd</sup> party manager.

Commissioner Diane Adams asked how you get into the storage facility and if it is open to anyone.

Wes Davis noted that the facility is open 24/7 with secured access to anyone.

Commissioner Diane Adams asked what the mix of new units would be.

Wes Davis explained there would be 8-9 one bedroom units and the rest are two bedroom units. We also went above and beyond with the parking and gave more than required. Also, Bldg A does still have underground parking.

Commissioner Todd Staheli asked if the parking behind is public as well or just for the tenants.

Wes Davis stated it is all private parking.

Commissioner Todd Staheli noted that Main Street is open to the public.

Wes Davis said that is up to consideration. We're hoping for an RDA or CDA and it would be nice to do something similar to that.

Councilman Joe Bowcutt asked how the parking available behind the houses at 100 South has changed.

Wes Davis said it's been brought out. It is partially below grade and then above grade.

Councilman Joe Bowcutt asked what the total height is.

Wes Davis said it will be 9' from grade.

Randy Wilkinson said the site line of the neighbors will be very little, maybe just the tops of the cars.

Wes Davis added that we're still 10' from the property line.

Commissioner Todd Staheli asked if the parking 10' from the property line.

Wes Davis said yes and then the landscaping is there.

Randy Wilkinson said we've left that the same as before and will put in landscaping to help screen.

Commissioner Todd Staheli asked if this should this have been a public hearing item.

Bob Nicholson said no, before was the CUP for the height. That has not changed and the added parking structure is not too high.

Assistant City Attorney Victoria Hales said they are coming back and it requires the same considerations – building design, the information in the mixed use ordinance, density, the design of parking, views of parking and materials as well as the possible storage units to meet their commercial requirement can all be considered. You're looking at density, parking, design, and use.

Bob Nicholson stated that we didn't go into much detail because the materials have not changed for the three main buildings. The parking has been clarified as stucco over the concrete, the main is brick stucco, hardy siding. Do you want that refreshed?

Chair Ross Taylor said the applicant needs to explain the parking.

Bob Nicholson explained that the parking garage will be concrete with brown stucco with stone and brick accent.

Ben Rogers added that the materials are consistent with the previous materials board.

Assistant City Attorney Victoria Hales asked if there is a picture of the parking structure in the packet.

Ben Rogers said the renderings are on the elevations.

Bob Nicholson said the headlights will not carry onto the neighbor's property.

Commissioner Todd Staheli asked how many storage units are proposed.

Ben Rogers noted there would be 20 to 30 as part of the commercial space.

*\*Ray brought the materials board from the previous submittal\**

Assistant City Attorney Victoria Hales reminded the Commissioners they are considering all details: density, parking, aesthetics, design. It is a complete review of the project, as well as the elevations. All those things that are changes can go through the process again. Tonight: parking, density from 33 to 37 units per acre, the parking did account for that plus a few extra, as well as the parking structures and it appears there is one elevation that shows you a partial view of that structure, as well as the commercial use determination that may raise questions.

Commissioner Diane Adams asked if the storage closets were not approved, would you still meet your commercial area requirement.

Ben Rogers clarified that we're not asking for a change in commercial space we want an option to provide closets as part of our commercial requirement to our residents as well as to others. We don't want a change in commercial area just the opportunity to provide a different service.

Commissioner Diane Adams noted that if I lived in a building I would not want a storage open to the public 24 x 7 in my building.

Ben Rogers said it would be more like a commercial suite.

Commissioner Diane Adams asked if each closet renter would have a rental agreement.

Ben Rogers said yes and added that each unit is secure in its own suite. Patrons would have access to just the suite not to the residential area. It's an interior hallway but they can enter from the exterior as well and will have secured access. The residents outside the area have limited access to the interior corridor.

**MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Item 4 considering the increased density is small and the parking has been increased, that aesthetically**

it will stay the same, the parking garage is okay and is not that visible to the existing residences, and I'm okay with the commercial use as long as it is secured.

**DISCUSSION ON THE MOTION:**

*Commissioner Don Buehner asked if the use was specific to the storage closets.*

*Commissioner Julie Hullinger said yes.*

**SECONDED: Commissioner Don Buehner seconded the motion.**

**AYES (5)**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS(0)**

**RECUSED (1)**

**Commissioner Ro Wilkinson**

**Motion carries.**

Assistant City Attorney Victoria Hales advised that a five minute recess be held to review the material presented for Legends of Cactus Flats. The notice issue has been reviewed and what was published is adequate regardless of the new information.

*\*\*Chair Ross Taylor called for a 5 minutes recess at 7:44 pm\*\**  
*\*\*The meeting resumed at 7:50 pm\*\**

**Discussion on Legends of Cactus Flats**

Commissioner Don Buehner said what was submitted is great. I've looked over it and you have documented what we discussed. I'm content.

Paul Blackmore inserted that Wes Jenkins and I wrote this all down so things couldn't fall through the cracks. We want something that we can both review and make sure everything is done.

Commissioner Don Buehner noted that this documents the actual grading.

Paul Blackmore replied that the document outlines the grading and the adjustments for pads for back fill, and the berm, and that no soil can touch the other walls.

Assistant City Attorney Victoria Hales noted that per code 11-4-3 and 11-4-4 approval does not constitute full approval of the development as additional requirements may be imposed that are a result of more detailed and thorough review of all plans, specifications, reports or investigations.

This item can be recommended for approval, denial, or conditions. Some conditions discussed are that the plat contain a note about the wall ordinance and drainage plan standard.

**MOTION: Commissioner Don Buehner made a motion to recommend approval of Final Plat 1E Legends of Cactus Flat with the notes that have been entered on the slope and drainage and documents as stated for the sale of the lots and with the note that we appreciate the developer and engineer working with the neighbors as the drainage issues come up.**

**DISCUSSION ON THE MOTION:**

*Assistant City Attorney Victoria Hales asked if the wall note was to be included.*  
*Commissioner Don Buehner said yes and the wall note as well.*  
*Commissioner Diane Adams asked what the wall was.*  
*Assistant City Attorney Victoria Hales clarified that the wall note pertains to the wall ordinance. It reminds buyers what the ordinance is as far as the retaining wall and privacy wall options.*  
*Commissioner Don Buehner asked if that informs the purchaser.*  
*Assistant City Attorney Victoria Hales said yes.*  
*Commissioner Todd Staheli asked that if the plans change would the developer have to come back to the Planning Commission.*  
*Assistant City Attorney Victoria Hales said no, changes would be addressed at the engineering stage.*  
**SECONDED: Commissioner Todd Staheli seconded the motion.**  
**AYES (6)**  
**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

5. **TRAINING**

Training and discussion to cover Title 10 Chapter 8 "Planned Development Zone."

Training from this meeting will be postponed.

**ADJOURN**

**MOTION: Commissioner Don Buehner made a motion to adjourn.**  
**SECONDED: Commissioner Diane Adams seconded the motion.**  
**AYES (6)**  
**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Meeting adjourned at 7:57 pm.**

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
December 09, 2014 – 5:00 PM**

**PRESENT:** Commissioner Julie Hullinger  
Chair Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Nathan Fisher  
Commissioner Don Buehner

**CITY STAFF:** Community Development Coordinator Bob Nicholson  
Assistant Public Works Director Wes Jenkins  
Planning & Zoning Manager John Willis  
Planner II Ray Snyder  
City Surveyor Todd Jacobsen  
Assistant City Attorney Victoria Hales  
Deputy City Attorney Paula Houston  
Planning Associate Genna Singh

**EXCUSED:** Commissioner Diane Adams  
Commissioner Todd Staheli  
Council Member Joe Bowcutt

**FLAG SALUTE**

Chair Ross Taylor led the flag salute at 5:00 pm.

1. **FINAL PLAT (FP)**

Consider approval of a seven (7) lot residential subdivision for “**Meadow Valley Estates Phase 4.**” The representative is Mr. Brad Petersen, Development Solutions. The property is zoned RE-12 (Residential Estate 12,000 square foot minimum lot size) and is located at the east end of Mountain Ledge Drive (at approximately 2500 East and 2900 South, in the Little Valley area). Case No. 2014-FP-027. (Staff – Todd J.).

Todd Jacobsen stated that originally Mountain Ledge Drive was going to punch through to Little Valley Road but now it will be a cul-de-sac.

Assistant City Attorney Victoria added that this plat is subject to legal as we are waiting for a landscape strip issue to be resolved as well as the title report. It will be dedicated to the city and not show on the plat as an easement.

**MOTION: Commissioner Nathan Fisher made a motion to approve Item 1 and authorize chairman to sign with the item being subject to legal review.**

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**AYES (5)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Julie Hullinger**

**NAYS(0)**

**Motion carries.**

2. **LOT SPLIT (LS)**

Consider approval of a lot split for existing “**Lot 127 of the Ft Pierce Business Park.**” The representative is Mr. Michael Draper, Rosenberg Associates. The property is zoned M-1 (Industrial) and is located at 631 Commerce Drive. Case No. 2014-LRE-016. (Staff – Todd J.).

Todd Jacobsen explained that there is already a building on the corner. The purpose of this Lot Split is to make better use of the property and allow another building to be built. Standard city easements for each lot will apply. This was approved by the Ft. Pierce Industrial Park Owner’s Association on March 31, 2014

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 2 lot split with the approval of the Ft. Pierce Park Owner’s Association.**

**SECONDED: Commissioner Julie Hullinger seconded the motion.**

**AYES (5)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Julie Hullinger**

**NAYS(0)**

**Motion carries.**

3. **ONE LOT SUBDIVISION**

Consider approval of a “**One Lot Subdivision**” by means of a metes and bounds description. The representative is Mr. Todd Jacobsen, City of St George. The property is zoned R-1-12 (Single Family Residential 12,000 square foot minimum lot size) and is located across the street to the east of Little Valley Elementary School (at approximately 2350 East and Horseman Park Drive). Case No. 2014-LRE-017. (Staff – Todd J.).

Chair Ross Taylor asked if it fronts the street that goes by the school.

Todd Jacobsen responded yes the plan is that they will be required to put in the improvements (curb, gutter and sidewalk) when they develop. Also, the city may sell the lot to the county for a library.

Commissioner Don Buehner asked what the purpose of a one lot subdivision is.

Todd Jacobsen responded that as the land was sold this became a remnant piece. We wanted it to come forward to be on the books.

Assistant City Attorney Victoria Hales added that it is in best practice to create a minor subdivision per state law and ordinance.

Commissioner Nathan Fisher asked if R-1-12 zoning allows libraries.

Assistant City Attorney Victoria Hales said yes, that is a permitted use.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the one lot subdivision.**

**SECONDED: Commissioner Don Buehner seconded the motion.**

**AYES (5)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Julie Hullinger**

**NAYS(0)**

**Motion carries.**

4. **PRELIMINARY PLAT (PP)**

Consider approval of a preliminary plat for “**Hyde-Berry Park**” a twenty-seven (27) lot residential subdivision. The representative is Mr. Rob Reid, Rosenberg Associates. The property is zoned R-1-10 (Single Family Residential, 10,000 square foot minimum lot size) and is located between Marigold Way and 1470 South Street. Case No. 2014-PP-034. (Staff – Wes J.)

Wes Jenkins presented the following:

There are some items to point out. The flood plain used to come through here and during the zone change we had them amend the map via a LOMR. We are trying to work out the existing sewer line. The sewer line comes down through the east side of lots 18 and 19 and then it flows west to the sewer plant. The City is asking that the developer dedicate a minimum of 10’ on the west side of the sewer line at those 2 lots. If you leave it in the lots they won’t be able to build any walls or structures. The City needs control to keep it unencumbered. They will be asked to modify this and dedicate that area.

On the two cul-de-sacs the drainage and sewer come through the cul-de-sac and drains into the existing lines. There is a 25’ easement that the City would like dedicated so walls couldn’t be built there. If left in an easement then there will be a note on the plat

saying it has to be open for service and maintenance. Right now it's an easement but we're trying to get it dedicated. They do have concerns about setbacks if the land is dedicated.

Chair Ross Taylor asked if the lot size requirement can be met if land is dedicated.

Wes Jenkins responded that there will be lot size averaging for this plat, part of that is due to the utilities. If they dedicate then they can't meet the lot width frontages. If they do lot size averaging it meets the ordinance as far as frontages.

Another item that came up is the large lot on the west (lot 7). They have frontage on the connection of Baneberry to 1470 West Street. However, they put a secondary access through the cul-de-sac. There will be a note on the plat stating that their primary access has to be from the frontage and cannot be from the cul-de-sac. If it is their primary access it will need to be 25' wide.

On the eastern cul-de-sac it shows that the road is going through lot 19 of Bloomington Gardens. They are trying to work with that property owner to split that lot and include it in their subdivision but they are still working it out. They feel if they are improving the road then lot 19 should share the cost. Staff does not agree. If they can't work it out they'll have to shift their road so the right of way line lines up.

Commissioner Nathan Fisher asked how much would be there.

Wes Jenkins answered that it is about 8' but the radius around the curb is the problem.

Another item is the 35' easement on lot 1. In recent years a garage was built and encroached into that easement. They are requesting their easement be reduced to reflect that, however there is a storm drain and sewer line there. That may change when the final plat comes forward as well.

The last item would be lot 19 again. They are putting in curb and gutter. If it ends at their property the drainage would dump on that lot. They feel like they shouldn't have to improve in front of lot 19 since the rest of the lots in Bloomington don't have it so we'll have to work that out with them.

Chair Ross Taylor asked if this item is ready for a motion tonight.

Wes Jenkins stated that the layout works there are just some incidental items that need to be worked through. Some of this will be addressed prior to City Council but most will be fixed with construction drawings and at staff level.

Commissioner Nathan Fisher asked if approval is based on what we see before us.

Assistant City Attorney Victoria Hales stated that the Preliminary Plat does allow for a complete detail review prior to the final platting process.

Wes Jenkins noted that their argument is that if they can't work it out they'll leave it as is because the City can't make them dedicate it, they are allowed to leave it as an easement.

Another thing is the 25' right of way on the back side on Winegar subdivision. Those lots have sewer coming out the back of their yards to the sewer line. They wanted to move the sewer line through the new lots and the City said no, which is why there is the dedication there instead. The only thing that would really change would be the road shift and the dedication pieces.

Assistant City Attorney Victoria Hales advised that the Commission can ask the developer to table, approve, approve subject to conditions, or disapprove. Approval of a preliminary plat is not full approval. However, if you feel it is not ready you may disapprove.

Chair Ross commented that staff feels like we can work through it so I'm confident in staff.

Commissioner Nathan Fisher clarified that the road is shifting if they cannot collaborate with lot 19. What is the easement?

Wes Jenkins responded that there currently are easements unless they can work it out.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 4 Preliminary Plat subject to the condition of the developer working out issues relating to drainage and sewer easements to the satisfaction of the City and legal, as well as the issue in regards to the improvement of the road that joins lot 19 on both the west and north side of said lot.**

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**AYES (5)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Julie Hullinger**

**NAYS(0)**

**Motion carries.**

5. **ZONE CHANGE AMENDMENT (ZCA) - PUBLIC HEARING**

Consider a zone change amendment request to retain a 4,592 sq. ft. building, to demolish an existing 6,690 sq. ft. building, and to construct a 14,558 square foot building addition on property zoned PD-C (Planned Development Commercial). The project site will expand from 1.792 acres to 2.623 acres. The property is located north of 1600 South Street and east of Black Ridge Drive. The applicant is **Dealer Collision** and the representative is Mr. Reid Pope, L.R. Pope Engineering. Case No. 2014-ZCA-015. (Staff – Ray S.).

Ray Snyder presented the following:

The applicant has submitted 2D renderings of the building as well as building material samples. Originally they came into staff because it was a plain building. We asked for more architectural relief due to the location. They have broken it up by adding the 2' x 2' columns. We asked for some windows and doors and they have asked not put them in. This building is lower than the street elevation which could help with the appearance. The next item will show the parcel layout so that it all becomes one lot to accommodate the building. Dealer Collision is a repair facility for body work and painting. There is an area that is already landscaped. There is an area there where the trees have died so we would like a condition in place that the landscaping must be updated. At a site visit last week the building had already been demolished. There is quite an elevation difference to Blackridge Drive. The existing landscaping does show the dead or missing trees. The rest of the area does not yet have landscaping and will need to be done prior to CO.

A question for your consideration: does the Planning Commission feel that adequate design has been provided from Blackridge Drive?

Street trees do need to be replaced as well as new landscaping installed. Landscaping should be a condition upon a business license or certificate of occupancy.

Commissioner Nathan Fisher asked what the roof materials would be. What do we know about that? Is the height going to be the same as the existing building that remains? Will this new construction match that height?

Bill Western noted that the new building will be lower. The existing building is 28'. The addition is 16'8". The roofing material is single ply and probably white or beige if preferred. White is better for longevity for a flat roof in this area.

Chair Ross Taylor asked what the view will be from Blackridge as you pass the building.

Bill Western said the grade difference there is 10' from the parking lot and road. The building would probably be 6' higher so almost even with a car as you drive.

Chair Ross Taylor stated that the bright white would be a bit dazzling when driving by.

Bill Western said the materials could be beige if needed.

Chair Ross Taylor asked if there would be a parapet.

Bill Western said no, a slight parapet. The roof slopes from east to west so there will be about a 2' parapet.

Commissioner Nathan Fisher asked if the east side will be more noticeable.

Bill Western said the slope would be ¼ inch per foot so it looks flat. When you deal with 48' across it would only be 2'.

Chair Ross Taylor asked if the heating and cooling units would be on the roof.

Bill Western said yes, as they are on the other buildings.

Chair Ross Taylor said it was out of view at that height.

Commissioner Nathan Fisher asked if there would be more detail for landscaping.

Bill Western said new landscaping will match the existing and meet the City requirements. The slope makes it a bit difficult so desert landscaping would be most likely. We recognize that the

trees need to be replaced and want to dress that hill up. We're not changing the use. It is currently an auto detail repair and that's what this will be also.

Commissioner Nathan Fisher asked what the material for the roof would be.

Bill Western replied single ply.

Chair Ross Taylor added it would be a membrane roof.

Commissioner Ro Wilkinson asked why the existing building has windows and doors and the new building will not.

Bill Western responded that the west side would be a heat gain. There are skylights on the roof. The east and south sides are the business sides. It is also a security situation as the slope is there so when you put windows in it is difficult to manage. We did put in the columns to dress it up. Again, this is an auto repair center and not a retail front.

Commissioner Ro Wilkinson asked if there is only one entrance.

Bill Western stated that there are entrances on the south and east. There is one on the west. We could put more there but that's where the cars are being worked on.

Commissioner Nathan Fisher asked if the building is 170' long.

Bill Western said it is.

Commissioner Nathan Fisher asked if there are any other things you could do to the west side in a cost smart manner to break it up a bit more. Blackridge Drive is a well used street.

Bill Western mentioned that a clear story of glass could work but it is a bit of a structural issue. A glass block could be better but Mr. Wade does want to keep cost down.

Commissioner Nathan Fisher noted that the concern is the look.

Chair Ross Taylor said that the building will be down in a hole.

Commissioner Nathan Fisher asked how much landscaping is between the road and building.

Bill Western replied that 25' of landscaping would be there.

Commissioner Nathan Fisher explained that when I'm on the road I want to know how close the building is to the landscape strip.

Bill Western answered that there is typically a 25' to 30' setback.

Ray Snyder showed the graphics illustrating that the red line is property and the blue line is the setback line. There is 25' of landscaping and then the building would only be a few feet away from the landscaping.

Chair Ross Taylor reiterated that we want to picture what you would see when you drive by. We want to see if that long wall is a problem.

Ray Snyder asked if there was still a concern with the HVAC on the building.

Chair Ross Taylor replied that the concern is the long wall with minimal division as well as the view of the roof.

Ray Snyder noted that we don't have that detail tonight. They can come back and show it to you or it would have to be submitted prior to City Council. We can require a cross section be submitted if you would like some more information.

Bill Western added that the roof is a challenge with the site because it's so much lower. To hide all the HVAC would require parapet throughout the whole building.

Chair Ross Taylor stated that we're more concerned with breaking up the long wall. If there could be some pop outs that would help.

Bill Western said he can do more of that and can change some of the wall.

Ray Snyder clarified that for City Council we need detail on the roof and the redesign of the wall. I want to point out that this is a zone change so City Council will have set the date of the hearing this month and then the approval would be some time in January.

Chair Ross Taylor said I think we can condition approval on our recommendations.

Ray Snyder added that we can do that and if staff doesn't receive the conditioned items the zone change won't go before City Council.

Chair Ross Taylor opened the item to the public for comments.

Chair Ross Taylor closed the item from the public.

Commissioner Nathan Fisher stated that he is concerned about the roof material, wall detail, and landscape detail.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of the zone change conditioned on the applicant providing a roof material detail in color and type satisfactory to staff that will be an earth tone or a tone that is less intrusive, more detail for the entire landscape strip, providing relief in the wall that is visible from the west either in the form of patterning between columns or some other relief in addition to the columns.**

**SECONDED: Commissioner Julie Hullinger seconded the motion.**

**AYES (5)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Julie Hullinger**

**NAYS(0)**

**Motion carries.**

6. **LOT LINE ADJUSTMENT (LLA)**

Consider the approval of a lot line adjustment between two existing lots for "**Dealer Collision / Ideal Automotive.**" The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is zoned PD-C (Planned Development Commercial) and is located at 184 West 1600 South Street (between 1470 South and 1600 South Street on the east side of Black Ridge Drive). Case No. 2014-LRE-018 (Staff – Todd J.)

Todd Jacobsen presented the following:

The purpose of this Lot Line Adjustment is to allow the construction of an addition to an existing building to proceed and meet City Ordinance. Ultimately we are splitting the northern parcel and merging part of that split.

Chair Ross Taylor asked if there are easements in that area.

Todd Jacobsen responded no, there are no easements in that area as it wasn't platted. There will be easements required around it but there are none to vacate.

Ray Snyder added that the zone change won't go until January. This lot line would go this Thursday to City Council.

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 6 lot line adjustment with staff recommendations and legal input.**  
**SECONDED: Commissioner Nathan Fisher seconded the motion.**  
**AYES (5)**  
**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Julie Hullinger**  
**NAYS(0)**  
**Motion carries.**

7. **GENERAL PLAN AMENDMENT (GPA) – PUBLIC HEARING**

Consider a **General Plan Amendment** from LDR (Low Density Residential), MDR (Medium Density Residential), and COM (Commercial) to MDR (**Medium D** Residential), HDR (High Density Residential), PO (Professional Office), and COM (Commercial) on 121.6 acres. The property is generally located between 3000 East Street and the Virgin River and fronts on Mall Drive. This is to support the future development of commercial, retail, medical, and professional offices, and to increase residential density. The applicant is Suburban Land Reserve, Inc. and the representative is Mr. Dan McCay. Case No. 2014-GPA-006. (Staff – John Willis).

*\*\*\*Assistant City Attorney Victoria Hales left the meeting\*\*\**  
*\*\*\*Deputy City Attorney Paula Houston joined the meeting\*\*\**

John Willis presented the following:

This does border Washington City. There is an existing commercial node with medium density residential buffered around and then low density residential surrounding the node.

This is the first introduction of high density residential in the Little Valley Area. Little Valley is a rural part of town with low density. The Little Valley plan states that more intense uses should feather or transition out in a gradual manner. That helps mitigate some of the impact higher density uses have on the neighborhood.

Their proposal shows commercial on Mall Drive and 3000 East. Staff is in support of the commercial in those key locations to provide amenities. To the north is the introduction of the office professional which would be adjacent to the single family. Offices are a less intense use complementary to single family. Around the commercial area there is some

medium density residential which is consistent with the area. There is an introduction of high density residential. Based on the Little Valley subplan, staff suggested that some high density residential be removed and moved along Mall Drive in order to reduce the high density concentration. The HDR on the north is also adjacent to existing single family.

Based on that conversation we received an updated request. They did provide a buffer and they did relieve the density on Mall Drive. The proposal however added 10 more acres of high density. The request went from 19 acres to almost 30 of high density. High density residential projects have typically been spread around the community. Where there is a high concentration of high density is around Dixie State University to support the student housing and ensure that unique needs there are met.

By the University is about 27 acres of high density residential. There are about 53 acres across from that. Riverside has 8 acres. Rebel Creek and Mesa Falls are 16 acres. Dinosaur Crossing is 13 acres. The request before you is 33 acres.

That means there would be 62.1 acres of high density residential in one area. Again, we have tried to spread high density around the community and this would be a very high concentration.

Commissioner Nathan Fisher asked what zoning exists at the intersection for Washington City. John Willis responded that he was not aware of the zoning in Washington City. North of the proposal is low density residential. There is an elementary school adjacent to the vacant parcel. Commissioner Ro Wilkinson noted that the current zoning is AG-20. Is it really used that way? John Willis stated that the fields are being maintained but whether it has been used for agriculture or not is unclear.

Commissioner Ro Wilkinson asked if the area is privately owned or city owned.

John Willis responded that it is privately owned by Suburban Land Reserve. Right now we're looking at the general plan which sets the course for residential and commercial in this area. The general plan would be what the community would want.

Commissioner Ro Wilkinson noted that we are infringing on the flood zone again and that is a concern.

John Willis said the floodplain and hazard boundaries are there. There is no plan to change that open space there at the flood plain. There is the hazard boundary that will need to be mitigated.

Deputy City Attorney Paula Houston inserted that this is a normal process. With the bridge going in it is expected that things need to change. Just because it's changed doesn't mean they can build there. They have to meet all the requirements. Typically there would be a parking lot in the flood plain area with the building out of the flood plain. There are other things they can do to mitigate that and we have seen it before. They have to go through that process and get approval from the federal government. This does change the general plan – it really has been a holding area but now the owner is seeking a change.

John Willis noted that they are not requesting the general plan be changed at the flood plain.

Commissioner Nathan Fisher asked for a reminder as to what densities are at medium and high.— John Willis responded that medium density in the Little Valley area is 4-7 units per acre, and high density is 10-22 units per acre.

Commissioner Don Buehner asked what the pink area represented. John Willis responded that the pink is commercial, yellow is MDR, and black is the HDR.

Chair Ross Taylor asked that the applicant come forward.

Dan McCay (SLR and Property Reserve Inc – subsidiaries of the Latter Day Saint Church): We've owned this property since the 1960s. It is an agricultural use now. It used to be a welfare farm. At some point it no longer makes sense to use the piece as a farm so we transition that property into something new. It is the goal to urbanize it. With changes like the bridge it changes the nature of the property and the use needs to be changed as well.

We own 277 acres in total but are only talking about 121. We have a long term interest in this area, property and community. We have worked with the City as we've considered this property for many years. We will continue to own property in Little Valley. Some will be sold but we will still have acreage in our keep. We want the future of this area to be tied in the balance. We want what is built here to be complementary to everyone.

Seven years ago the City approached Property Reserve regarding the bridge. Then the airport was more desirable and the money was put toward that instead. That has been a good and strong project for the City and State. Last year staff asked that we be part of the bridge project and were informed there was a gap in the financing. We as well as the other property owner contributed financially to the Mall Drive Bridge project. It was quickly anticipated that with that change that the property would change as well.

There are up to 25 cars stacking at that bridge and I've heard that a signal sooner rather than later would be desirable. That would be part of our project. With all that traffic there is interest in retailers to be a pioneer in the area. We met with many developers and Associated Foods, Lin's Grocer, wanted to jump on board. I'm grateful that they are here: Steve Myer, Bill Walley, and Darren Pierce are all here with Associated Foods to address questions about the retail.

The southwest corner of the intersection is commercial, north of the intersection is office. A medical group would like to build a facility there. The general plan called for medium density to buffer the retail. One use that brings concern is the high density residential. I wish the city had a different zone for the project we're considering. One primary use that will be complementary there is an active adult community. It has been requested that a full amenity package be included in the active adult community – a long term care facility is part of that plan. As you look at this process there is the general plan process to make significant change of use due to the bridge. This is just first step. We'll still need

to come forward with a PD zoning request with landscape buffers, architecture, and more details. We will come to several public meetings between now and then. As a property owner I am interested in protecting this area and want to be an effective community partner. I want neighborhood meetings to receive input so at the end of the day it's a project that everyone can be proud of. I think we can accomplish a lot and create a valuable long term project here.

Commissioner Don Buehner asked if the property to south will continue to be owned and is not part of the change.

Dan McCay said yes, that will remain as low density residential.

Chair Ross Taylor asked for clarification: when you responded to the City about the amount of HDR you made a modification by increasing the request to support assisted living?

Dan McCay said that is right, unfortunately we're getting caught up in a number. To get the 14-15 units per acre I have to ask for high density. Tonight isn't a final decision it's whether we've met a basic burden of proof and then we'll come back with the PD zone and outline the landscaping and more.

Commissioner Don Buehner asked if the grey area to the north would be an adult living area.

Dan McCay said no that's a buffer.

Commissioner Don Buehner asked where the active living would be.

Dan McCay stated that it would be condo living and a potential care facility there because the medical office would be adjacent.

Chair Ross Taylor opened the public hearing.

Lisa Stewart:

We live in low density housing. The feathering approach that doesn't exist would affect me. In 12 years we have sandbagged about 3 times so how does erosion control on the higher property affect our land?

Deputy City Attorney Paula Houston stated that's what the study is supposed to cover for that property and the surrounding area.

Rick Rosenberg added that the high density lets us cluster away from the river. It would be similar to other NRCS rock walls along the river. The walls are pulled back and are out of the floodplain. The study would require we look upstream and downstream. It would be installed so the base flood would not increase and would limit the meander area. This area is currently unprotected.

Don Williams – north of HDR/COM:

I have a boy who walks down here and goes to school. That area is a high traffic area there for foot path to the school as well as young drivers. This intersection will be one of the busiest in the City. A big problem we have, I serve as a Planning Commissioner for Washington City, is our ¼ of that intersection. The rest of the land is farmed there. Back before our time there was a gentleman's agreement from Washington City to put in the utility line and that area would all be part of Washington and be low density and the road would be the buffer zone. Somehow

Washington City disagreed with the church and that's also when Mayor McArthur was running for St. George City. I'm all for pro growth and I'm a realtor so I understand. However, the major intersection is at risk with the commercial, PD, office and high density. That's nice to know that it's higher density with retirement. Across the road there is college housing and private housing at 3 stories. There is a berm around here where kids were digging and the tunnel fell and the kids had to run to our house and call 911. If the church makes this HDR and then there's a 3 story apartment – when that river floods there will be a nice little lake for a while where the kids will want to play or watch as the river level increases. To get to school they have to walk on the 4-lane road to get to school. My big issue is that the agriculture is here and there's no reason. If multifamily is there, there will be buses going back and forth. I can see this area stacking 15 cars deep. A 4 lane will not move the traffic fast enough with the school. The church can't promise us, even though this is preliminary, that this won't be 3 story apartments. Another buffer area would be nice. I'm concerned with the traffic and the kids in that whole area right there because the LDR was there as a buffer. The feathering really needs to be looked at here. This can be shifted around. There will be a new high school down in the Fields which would be another area of concern. Why not put this stuff in the middle of the Fields. Keep your commercial at the intersection but this is way too much traffic.

John Prince – my property is just north of the HDR:

I have some concerns about the High Density which is 10-22 units per acre. That means there can be more than 100 units in that 5 acre area there. If each family has multiple kids that's 200-300 kids in that little area alone. There is a sandy beach here at the end of my property that a lot of picnicking and occasionally off-roading occur. Since the flood and the new road that activity has died down. I bought this property because it's horse property. I have a horse and I also have a swimming pool. I don't care what kind of wall is put there. If the kids are bored and packed into an area that tight they're going to want a place to play. They're going to come onto my property or that sandy beach area. I've got haystacks, the horse corral, and the pool and there's a possibility someone can come onto property and get hurt. We're snowbirds and once while we were away someone had used our pool and turned on the heat and found that the whole pool was 104 degrees. Kids will use that beach. All of a sudden there are attractive nuisances there. I am concerned that with that high of a density in that small of an area it won't be a matter of if, but when. I have no problem with commercial or professional in that area. A retirement home is fine but there is no way that my property can be fenced off as half of my property is river bottom. Back to the feathering from low to high I don't think that is justified.

Devon McDonald – I live next to the Princes and our acreage goes into the river:

I think this is a beautiful area of the City. The other day we saw deer and fox in this area. I want this to blend into the natural beauty of the river. We had a similar situation to this where I used to live – the church made some promises and then completely changed the plan. If this is truly intended for senior living let's make sure that really happens. One other comment is the road coming from Washington is very busy. It is difficult to widen that road so the infrastructure cannot be there. If it is to be enlarged let's make sure the traffic patterns are kept in mind.

Jon Stewart:

We moved out there because it's out in the fields and it's an open area. We like it out there in the open. It seems like this is all about money and that's disturbing to me. I don't see a buffer. It's about quality of life and the proposal doesn't seem right. There need to be more buffer zones. We want to see open spaces out there. We don't want to see tall buildings and traffic we like to see the wild animals and such.

Ron Mcjur:

I've lived here for only about 14 months and we're north of Cimarron – north of the border is Pine View Park. If you put as many children or young people in that area, Pine View Park is their closest park. Washington City pays for that park. Somewhere in that plan there needs to be a park put in St. George City limits.

Dan McCay said that is a great point. There is a master planned park on the Seegmiller property that will be important to our project.

Bob Nicholson inserted that parks are a minimum of 4 acres.

Commissioner Don Buehner stated that that park is over a mile away though and it's not contiguous.

Bob Nicholson illustrated where the parks are designated on the general plan.

Commissioner Don Buehner said the park at 2450 is a historical park. Is the other one more of a city park?

Bob Nicholson responded that they haven't designed the park yet.

Dan McCay inserted that there will be playgrounds and open space required in the PD zoning.

Cole Randy – Washington:

I'm concerned with the commercial buildings looking into the low density housing. There are no walls there and we have an easement saying we can't build walls due to the drainage ditch. Nowhere in St. George City is there commercial that backs residential. There needs to be a buffer there of some kind. We were hoping the commercial would stay on the south side of the road.

Tim Adams - Washington:

At Pine View Park they did an Eagle Scout project and put 18 hole Frisbee golf and now Saturday mornings there are ridiculous amounts of kids there. That was never the plan of that park but now it has happened. I know there is not an intention of harm but if the businesses are closed and there is parking available they will park there and jump the fences.

Chair Ross Taylor closed the public hearing

Commissioner Nathan Fisher invited the Seegmillers, who own property to the south, to come forward.

Brad Seegmiller:

You learn and hear things at these meetings. I didn't know we had a park proposed on our land. If someone needs open space they would have to join in that cost. I think a park there would be nice. As much as you might like to see things remain the same that's not how things work. New

development changes the whole idea. We've had more conversation since that road has come in than we've had in years. That roadway changes everything. Did we know it was going to happen, yes but it's different when it's in front of you. We want to make sure it's done nicely.

We see a master plan roadway that needs to come in and we know that the drainage ditch on the south of the church property and north of our property needs to be considered as that is surface and ground water. We know that area used to be marsh land so drainage is extremely important. As far as the flow of the feathering – you can look at the two different plans and from my point of view the higher the density the better for us because we can then feather our land when that time comes. We're not here to make any demands but we're interested in making this a beautiful area. This was all brought to us because of the bridge.

Commissioner Nathan Fisher asked what the width of Mall Drive is.

John Willis responded it is a 90'.

Wes Jenkins inserted that it's 90' and then the ditch.

Commissioner Nathan Fisher clarified that it's two lanes each with a turning lane. The revised plan, south of the high density, what is that acreage?

Rick Rosenberg replied 250' wide.

Commissioner Nathan Fisher said so 5.5 on the north of Mall for HDR; south of the road is 27.5 acres of HDR.

John Willis replied 33 acres is the total.

Commissioner Nathan Fisher clarified that the general plan provides for some commercial currently.

John Willis said that is correct, about 8 acres or commercial area.

Commissioner Don Buehner asked if Mall Drive is currently one lane.

John Willis said it is.

*\*\*\*Commissioner Julie Hullinger left the meeting at 7:15 pm\*\*\**

Wes Jenkins stated that Mall Drive is 2 lanes but is one lane each direction.

Ross Taylor said he has concerns about the HDR size and scope as described. Our staff also had concerns. If you were to compromise – where would you do it?

Dan McCay said if there are concerns to the north then we would like to help if we can, but I wonder if right now is the time to make those decisions when I can make elevations and such to help address those concerns.

Chair Ross Taylor asked if the applicant would want some time to look at this again. I think the HDR is tipped too strongly. Do you want to reconfigure where you can compromise a bit and table for a while.

Dan McCay said normally yes, however we are trying to accommodate Associated Foods and we need to meet that need to get the commercial. My other concern is that I don't yet know that there is a mutual understanding. I don't know that that will come until the architecture can be presented. This won't vest us with density right now. I know there will be a lot of work between now and zoning. We'll come up with a compromise. We value having the community behind

us. I know there are concerns today but I can't build today and even if high density is approved we can't build until the zoning is in place.

Chair Ross Taylor noted that the general plan is a guide but is also a protection, and it's that protection that I want to assert tonight. If we open up the gate it's hard to get it shut again. If we can look at some alternatives that don't have so much high density I would prefer it.

Dan McCay replied: I commit to you that that will happen before now and City Council if you can move forward today. We really need to keep a timeline if possible.

Chair Ross Taylor advised that one purpose of the Planning Commission is to ensure what the City feels is in the best interest goes forward and I feel that we would be slighting our task if we don't see it before it goes to City Council. I am inviting you table and think that would work better.

Dan McCay asked if the medium density and commercial can be split from the request and moved forward.

Commissioner Nathan Fisher stated that there have been enough who commented on the commercial that there is also a concern with that. What we're seeing up there we have to determine if that's what is in the best interest. With the PD we can require walls and such. The real issue is conceptually is this proposal what we think is good for the community. I think Chair Taylor is trying to tell you this is a major change. Little Valley down south had a packed room and lots of community input. This change is difficult and we have to look at if this works conceptually. A little more information would be helpful.

Deputy City Attorney Paula Houston asked what other information is requested.

Commissioner Nathan Fisher stated that we can't require anything really.

Deputy City Attorney Paula Houston agreed that more information would have no binding effect.

Commissioner Don Buehner commented that we could not recommend and you could still go to City Council so I don't think what we do tonight affects your opportunity to go to City Council. However our recommendation is something they consider. My two concerns with this that make me not want to move forward is the feathering with the HDR next to Washington Fields and to say that will be addressed later is an assumption I believe but would not recommend on. My second concern is the idea of managing pedestrian, especially kid, traffic in this area. My main concern is the feathering – I don't see it being complete or adequate.

Deputy City Attorney Paula Houston noted that you said the Lin's is on the south side. You could go forward with only that southern commercial and leave the rest for future consideration.

Dan McCay stated that that is not objectionable. We'll get the approvals we can. The feathering – I understand that concern. I don't yet know how to do that with hypothetical situations. That again will be addressed at the PD zoning process. As far as pedestrian traffic: there will be a trail that will be part of that regional drainage facility. There will be 65-70' separation from the road to the shopping center. The cost is ½ million to this project to facilitate drainage. Part of that cost is the trail system through the area. Again, that will be part of the PD with what will actually be there. Staff has been slow to finalize the ROW for that drainage facility. I recognize the concerns about forcing something. I am amenable with moving forward with the commercial piece to the south. We're stuck between hypothetical and actual. We can feather with visibility

and buffering with open space. We can accomplish all those things. I would be more nervous about someone not wanting to work with us. I agree it needs to happen.

Chair Ross Taylor asked if we are able to alter their proposal and only look at part of it or do they need to resubmit.

Deputy City Attorney Paula Houston stated you can make a recommendation to approve all or partial.

City Attorney Shawn Guzman clarified that the applicant can change the request tonight but is it a denial of the rest of the application. The applicant can change their request to be only the commercial on the south that way it can come back later on.

Dan McCay agreed to change the request to only the commercial nodes south of Mall Drive. Chair Ross Taylor noted that the vote will have to be unanimous to move forward.

Dan McCay asked for direction as to what to bring forward for the rest of the application. Chair Ross Taylor said my concerns are the amount of high density so if you're going to compromise where that would be particularly the small piece with the neighboring residences. Commissioner Nathan Fisher noted that whatever goes in here will be in someone's back yard. 3 stories were a concern – the buffer would still have neighbors in the back. The PD will allow us to deal with that to try to reduce the impact of what is going in here. Again, conceptually is this good for the area. Little Valley already has the question if there should be some commercial out there. That's what we need to look at right now. Is this good for the area and does it provide for the needs that exist here? We can deal with the details later in the PD.

Dan McCay – if we made a concession tonight – can we take out the high density to the north and do more of a feathering that would be nice

Chair Ross Taylor said he would prefer to only look at the southern commercial. Some of those other areas you may be able to move things around better. Is there a reason you need closure on all of it tonight?

Dan McCay said there is, but it's only on my part because I need the renderings and such – I don't know how much can change between now and the next meeting.

Commissioner Don Buehner said it's my understanding that you could ask for anything and it goes to City Council regardless. I agree with Commissioner Fisher and all can be addressed adequately as this goes forward for zoning. The high density designation for that area continues to be a concern and I couldn't recommend that piece. The rest I heard the concerns and think they can be addressed later.

Deputy City Attorney Paula Houston asked that the request be clarified by the applicant.

Dan McCay stated the consideration will be for the commercial south of Mall Drive and to table the rest for further consideration.

**MOTION: Commissioner Don Buehner made a motion to recommend approval of a change to the general plan including two commercial areas, both south of Mall Drive, one being approximately 19 acres on the west of 3000 East and one being 5 acres east of 3000**

**East.**

**SECONDED: Commissioner Nathan Fisher seconded the motion.**

*Dan McCay made his contact information available to the public: 801-560-0400; dmccay@slreserve.com*

**AYES (4)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**NAYS(0)**

**Motion passes.**

*\*\*\*Commissioner Ro Wilkinson stepped away at 7:47 pm\*\*\**

8. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit to operate an offsite expansion of the Monster Storage facility (*located at 227 W 700 S*) by establishing a two acre (2 ac.) fenced overflow area for **RV, automobile, pick-up, and boat storage parking facility** at 999 South Main Street. The property is zoned C3 (General Commercial). The applicant is Mr. Denis Lyman. Case No. 2014-CUP-023 (Staff – Ray S.)

Ray Snyder presented the following:

The request is for RV as well as automobile, trucks, and boats. The property used to be a lumber business. The intent is an overflow site for the existing Monster Storage. There will not be a structure on-site. A building doesn't have to be on site but typically is. There is an existing fence – the applicant wants to replace the open area and put in new ornamental fencing. The landscaping was originally proposed as pine trees but code. . .

*\*\*\*Commissioner Ro Wilkinson returned at 7:52 pm\*\*\**

... dictates that street trees would be required on Main street. He would not be able to do the pines. Security – there will be a camera as well as locked gate. Most of the site is paved but there is an area that will need to be improved. The site plan shows 145 storage spaces. Ordinance only lists RV storage so you'll have to determine if the rest is appropriate. Complete screening on Main would be required. Because of the findings you may want to consider screening on the sides. Should trucks, autos and boats be allowed is up to your discretion. Also, trucks do not include semis or semi trailers. There will not be any canopies on location. Aesthetics is your biggest finding to review.

Chair Ross Taylor asked if there is a fence to separate the two different properties.

Ray Snyder said no, the applicant proposes a fence but the applicant wants wrought iron rather than solid masonry. The existing white CMU fence does not really fit in so that may be a

condition that the fence be painted. Main is a 66' ROW with 5' sidewalk and the property line is .5' from the sidewalk. From back of sidewalk to the fence is 13' – today's requirement is an average of 15' for landscaping. Is this existing non-conforming? Can the wall remain and landscape to meet the standards? Or they could remove the open fencing, add landscape, and step the fence back periodically? I went to Kmart and Target to show what a split face brick could look like that may be appropriate. On the north side there is landscaping and a short fence that should probably be taller.

Commissioner Nathan Fisher asked if that fence is retaining.  
Ray Snyder it looks like it. There is an elevation change.

Denis Lyman (applicant) stepped forward to answer questions.  
Chair Ross Taylor asked if there is a plan for an RV dump on property. How will you deal with the public health concern if the trailer hasn't been dumped?  
Denis Lyman responded that they currently deal with that at Monster Storage. Temple View has those facilities that people can use and they are amenable to that.

Commissioner Ro Wilkinson stated that the idea of something being there is great because it has been an eyesore for quite some time.  
Chair Ross Taylor stated that Temple View across the street has RV storage so it is compatible with the area. I don't want oleanders down on Main Street as that is a public health hazard.  
Denis Lyman said they will change the oleanders.

Commissioner Nathan Fisher noted that the RV park that is there is set off from the street so I do have a bit of a concern being so close. One suggestion from staff was moving the wall back and creating more of a landscape buffer. Although it may be grandfathered but now with the CUP I assume it's all up for grabs to have it changed.  
Deputy City Attorney Paula Houston indicated that the property has been abandoned so everything including the fence can be discussed.

Commissioner Nathan Fisher stated that aesthetics are the concern. RV storage in the middle of a popular area is not what I think is best. As far as the other uses for cars, trucks, and boats – are those all at monster right now?  
Denis Lyman said there are pick ups and campers but no semis.  
Commissioner Nathan Fisher asked if it is allowed by code.  
Deputy City Attorney Paula Houston advised that they can expand to that.

Commissioner Ro Wilkinson said it was a lumber company there before and that could have been an eyesore then. Something needs to go there because it's run down right now.  
Commissioner Nathan Fisher stated that this is a good use I just want to make it look good. Whenever I drive by Monster Storage I remember we wanted trees there so I learned we need to be more specific with the maturity of trees and such.  
Denis Lyman noted that we'll definitely change the white fence. We're not building any structures we just want a nice lot.  
Chair Ross Taylor added that Monster Storage is good so I know you're going to do good work.

Denis Lyman noted that in 2011 we were recognized as the #1 facility in the nation.

Commissioner Don Buehner clarified that there is no issue with the boats, cars.

Deputy City Attorney Paula Houston said the RV storage is permitted, auto parking and then storage are all okay in that zone.

Commissioner Ro Wilkinson asked if 18 wheelers will be allowed or the cabs.

Denis Lyman said no, neither are permitted.

Commissioner Nathan Fisher said that concrete would be important for the lot.

Deputy City Attorney Paula Houston addressed the wall in the front and landscape – the fence has to be a minimum of 10' back but the landscape is a 15' average.

Commissioner Nathan Fisher stated fencing all around is also important.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval with conditions:**

- 1- that concrete be installed throughout the site
- 2- that there is solid fencing around all four sides of the site
- 3- Main Street fencing is to be setback 20' so the existing fence would have to be removed or replaced
- 4- the landscape strip have sufficient foliage so the wall is not as noticeable
- 5- wall height abide by the ordinance
- 6- hours of operation are resolved by the gated system
- 7- the color of the wall be a neutral, natural, earth tone
- 8- noise would be that repairs would not be allowed
- 9- and lastly the fluids and such from vehicles do not become a public hazard or environmental issue
- 10- include staff comments.

**DISCUSSION ON THE MOTION:**

*Ray Snyder asked if concrete or another base would be accepted.*

*Commissioner Nathan Fisher stated that an impermeable material such as asphalt or concrete throughout the site.*

*Ray Snyder asked if the wall had to be removed and replaced 20' back.*

*Commissioner Nathan Fisher stated that that is what I would like to see on Main Street only.*

*Deputy City Attorney Paula Houston stated that the landscape ordinance says interior parking lot landscaping requires islands with trees to break it up.*

*Commissioner Nathan Fisher replied that the solid wall will suffice with the landscape strip between the street and wall.*

*Denis Lyman asked that the wall on Main Street be able to remain and be repaired as that is a husky undertaking.*

*Commissioner Nathan Fisher stated that he understands and appreciates that however the motion stands.*

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**DISCUSSION ON THE MOTION:**

*Commissioner Don Buehner – for the record I think given the history and current ordinance that if the fence were to remain and would have adequate coloring and landscaping to fit the spirit of the motion that that may also accomplish the same goal.*

*Chair Ross Taylor stated he favors leaving the fence there. They may be able to lattice it to limit the visibility but to me the difference between 13' and 20' will simply be more vegetation and the trees will do a reasonably good job in a 13' strip.*

*Commissioner Don Buehner – I agree in spirit to the motion for maximum appeal on Main Street*

*Commissioner Nathan Fisher noted that when you drive down those double fronting lots with 10' landscape and then wall it feels like you're driving down a tunnel – with more space it would feel differently.*

*Chair Ross Taylor asked what the setback is on the wall at Kmart.*

*Commissioner Ro Wilkinson stated that as you go down Main where the homes are there are lots of big trees.*

**AYES (3)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Commissioner Nathan Fisher**

**NAYS(1)**

**Chair Ross Taylor**

**Motion denied.**

**MOTION – Commissioner Done Buehner made a motion to recommend approval with conditions:**

- 1- that concrete be installed throughout the site
- 2- that there is solid fencing around all four sides of the site
- 3- the landscape strip have sufficient foliage so the wall is not as noticeable
- 4- wall height abide by the ordinance
- 5- hours of operation are resolved by the gated system
- 6- the color of the wall be a neutral, natural, earth tone
- 7- noise would be that repairs would not be allowed
- 8- and lastly the fluids and such from vehicles do not become a public hazard or environmental issue
- 9- include staff comments.

**DISCUSSION ON THE MOTION:**

*Ray Snyder noted they will have to average the 15' landscaping per ordinance.*

*Chair Ross Taylor asked if that could be grandfathered in with the fence.*

*Deputy City Attorney Paula Houston stated that if you grandfather the wall then you can grandfather the landscape averaging.*

*Ray Snyder stated that staff hopes the 13' can remain but the street trees and other landscape requirements be input.*

*Don Buehner stated that he will include staff comments by grandfathering the location of the wall and landscape but with today's standard at 13'.*

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**DISCUSSION ON THE MOTION:**

*Commissioner Nathan Fisher stated that one thing we could do where there's the wrought iron we could set that back to give the relief to have more landscaping and some visual relief. I also suggest the applicant provide the kind of landscaping we see between Main Street and Kmart. Granted those trees are mature, but the types of landscaping there would be nice.*

*Commissioner Ro Wilkinson input that we should consider desert scape rather than grass.*

*Commissioner Nathan Fisher said the landscaping there at Kmart looks good – is the City getting rid of grass?*

*Bob Nicholson answered that water efficiency is what the City promotes. If they meet street tree, shrub and ground cover that is what the City promotes.*

*Commissioner Don Buehner recommended that they vote on the motion and then go from there.*

*Chair Ross Taylor said that he struggles with the offset fence as it creates trash collection areas.*

**AYES (3)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**NAYS (1)**

**Commissioner Nathan Fisher**

**Chair Ross Taylor addressed the applicant and said you will go to City Council without a recommendation as we are not unanimous.**

9. **TRAINING**

Training and discussion to cover: Title 10 Chapter 8 "Planned Development Zone" – Residential Section.

Training has been postponed for another time.

10. **MINUTES**

Consider approval of the minutes from the July 08, 2014, July 29, 2014, and August 12, 2014 meetings.

**MOTION: Commissioner Nathan Fisher made a motion to approve the minutes at a later date.**

**SECONDED: Commissioner RO seconded the motion.**

**AYES (4)**  
**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**NAYS(0)**  
**Motion passes.**

Bob Nicholson approached to thank the Planning Commission and announce his retirement.

Deputy City Attorney Paula Houston stated that Don Williams who spoke from the Washington City Planning Commission proposes that both commissions meet on site on that vacant lot there at the GPA so the traffic can be observed. If you want to go it will have to be a noticed meeting. Chair Ross Taylor said the applicant had a solution for that.

Wes Jenkins added that there is a ditch at the south side that will help as well.

**ADJOURN**

**MOTION: Commissioner Don Buehner made a motion to adjourn.**  
**SECONDED: Commissioner Ro Wilkinson seconded the motion.**  
**Meeting adjourned at 8:45pm.**

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
January 13, 2015 – 5:00 PM**

**PRESENT:** Commissioner Julie Hullinger  
Chair Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Nathan Fisher  
Commissioner Don Buehner  
Commissioner Diane Adams  
Commissioner Todd Staheli  
Council Member Joe Bowcutt

**CITY STAFF:** Assistant Public Works Director Wes Jenkins  
Planning & Zoning Manager John Willis  
Planner II Ray Snyder  
City Surveyor Todd Jacobsen  
Assistant City Attorney Victoria Hales  
Planning Associate Genna Singh

**EXCUSED:**

**FLAG SALUTE**

Chair Ross Taylor called the meeting to order and asked Commissioner Julie Hullinger to lead the flag salute.

1. **FINAL PLAT (FP)**

Consider approval of a nine (9) lot residential subdivision for “**Mulberry Estates Phase 8.**” The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-12 (Single Family Residential 12,000 square foot minimum lot size) and is located at 3150 South Street and 2980 East Street (in Little Valley). Case No. 2014-FP-011. (Staff – Todd Jacobsen).

John Willis presented the item. The subdivision will utilize lot size averaging.

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 1 final plat Mulberry Estates Phase 8, subject to legal, and authorize chairman to sign.**

**SECONDED: Commissioner Nathan Fisher seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

2. **LOT SPLIT (LS)**

Consider approval of a lot split (that is not a part of a recorded subdivision) for “**Season’s Health.**” The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned PD-R (Planned Development Residential) and is located at 126 West 200 North. Case No. 2014-LRE-019. (Staff – Todd Jacobsen).

John Willis presented the item. The lot split is to accommodate owner financing. There are parking and cross access issues to be worked out with legal.

**MOTION: Commissioner Nathan Fisher made a motion to recommend Item 2.**  
*Assistant City Attorney Victoria Hales asked that the motion be subject to legal for cross access and parking for both lots as lot 2 cannot stand alone.*  
*Commissioner Nathan Fisher amended the motion to include: subject to legal approval.*  
**SECONDED: Commissioner Diane Adams seconded the motion.**  
**AYES (7)**  
**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chair Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

3. **ROADWAY VACTION (LRE)**

Consider approval to vacate a portion of a public street / roadway and turnaround easement for “Marigold Way.” A small sliver of roadway and the 45 ft turn around will no longer be required with the proposed road connection for the Final Plat for ‘Hyde Berry Park.’ Located at the west end of Marigold Way (at approximately 1300 West and 3720 South in Bloomington). Case No. 2014-LRE-020. (Staff – Todd Jacobsen).

John Willis presented the item. This roadway is part of the Hyde-Berry park final plat. The roadway will be reconfigured with that subdivision. To accommodate the subdivision it was

preliminarily approved. This action will abandon the current right of way and a new right of way will record with the final plat.

Chair Ross Taylor asked what happens to the abandoned property. Does it go to the adjacent property owners?

John Willis said it was an easement so it will go back to the property owner. Once the subdivision comes through, a new right of way will be dedicated.

Commissioner Nathan Fisher asked if Marigold will continue on.

John Willis said yes, it will.

Assistant City Attorney Victoria Hales said it is legal's opinion that this item needs to go through with the final plat. We don't want to vacate until we know there is a dedication in return. You can recommend approval tonight but it won't go through until the final plat is submitted.

Commissioner Nathan Fisher asked if the recommendation would be to recommend to City Council and then Council would receive the vacation and final plat at the same meeting.

Assistant City Attorney Victoria Hales said that is right.

John Willis said you can recommend approval with the condition that it goes forward to City Council with the Final Plat.

*\*\*muted overlapping discussion\*\**

Public Comment:

Hayden Schmidt – I got the notice and I have a problem understanding the lingo. I don't understand what vacation and abandonment means. Please explain that.

Assistant City Attorney Victoria Hales explained that there is a City easement. Vacating the easement means you're giving it up. The easement was for the turnaround. We're going to get rid of that easement. We don't want to vacate the easement until we have the roadway coming through with the Final Plat. We'll do that all at once at the City Council stage.

Hayden Schmidt asked that notices be written in terms citizens can understand because the terminology is difficult.

**MOTION: Commissioner Don Buehner made a motion recommend to vacate and abandon the public street roadway easement on Marigold Way and condition approval that when City Council approves this item the roadway is also approved as part of the final plat.**

**SECONDED: Commissioner Nathan Fisher seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

4. **GENERAL PLAN AMENDMENTS (GPA)**

- A. Consider a General Plan Amendment from LDR (Low Density Residential), MDR (Medium Density Residential), OS (Open Space), and COM (Commercial) to MDR (Medium Density Residential), PO (Professional Office), OS (Open Space), and COM (Commercial) on 105.9 acres. The property is generally located between **3000 East Street and the Virgin River and fronts on Mall Drive**. The proposal is to support the future development of commercial, retail, professional offices, and to increase residential density. The applicant is Suburban Land Reserve, Inc. and the representative is Mr. Dan McCay. Case No. 2014-GPA-006-B. (Staff – John Willis).

John Willis presented the following:

Dan McCay was traveling from Salt Lake so I'm not sure if he made it but Rick Rosenberg is here to represent if there are questions.

This item came forward previously but only a portion of the request was recommended; this is the tabled portion. The proposal has been revised. The commercial portion on 3000 East and Mall was approved at City Council earlier this month.

On the north side is professional office. The professional office (PO) per the general plan is a buffer between residential and commercial. The general plan supports this designation of professional office in this area. The approved commercial is surrounded by medium density residential (MDR) and is consistent with the general plan and the Little Valley sub area plan. The open space (OS) south of Mall Drive includes areas that are not in flood plain and have been requested as MDR. There is flood plain north of mall drive so that area has been requested as OS. On the northwest corner there is a small node of commercial. That will be an amendment to the general plan. A high traffic intersection such as this lends to commercial nodes.

Chair Ross Taylor noted that in the previous presentation, the western portion was high density residential (HDR). Has that been withdrawn?

John Willis responded that the original northwest portion was HDR and PO. They have removed the HDR on the north and expanded the professional office. Impact from the PO is one of the lesser uses to impact residential. On the south side of Mall there was also HDR and that has been removed and replaced with MDR.

Commissioner Nathan Fisher asked if the to the area west of 3000 E was presented last time.

John Willis responded that it was.

Commissioner Don Buehner noted that the change was the area backing the residential in Washington from Commercial to PO.

John Willis clarified that it was HDR before.

Commissioner Don Buehner said that right in the middle was commercial and that has been changed to PO and then the HDR has gone away on the north side. The south side would be the previous HDR has been changed to MDR

Commissioner Diane Adams asked if the OS reflects the 100 year flood plain.

John Willis replied that the blue line represents the flood plain.

Commissioner Nathan Fisher asked if in the flood plain they can raise the lots and then build. John Willis said there is a process but they're choosing to dedicate it as OS. The other line is the erosion hazard line which they will have to mitigate.

Commissioner Todd Staheli asked if the line is flood plain or flood way.

Rick Rosenberg explained that the blue is 100 year flood plain. The floodway is on the river side of that. They have removed all the LDR there to OS so there is no development in the flood plain. The erosion hazard is more of red flag for soils and geomorphic. Properties there have to have greater engineering and rock walls before developing. Dan was on his way down but there was an accident on the freeway that has delayed him so I'm happy to represent the proposal and answer questions.

Chair Ross Taylor opened the item for public comment.

No comments were made.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner noted that there was one letter submitted in opposition.

Commissioner Nathan Fisher asked what Washington doing on their corner.

John Willis replied that their zoning and general plan is Civic. My understanding is that they are reassessing that area now.

Commissioner Don Buehner asked Rick if a walk way for students was still in the plan.

Rick Rosenberg answered yes. There is a project ready for construction that will bring a trail along the ditch. There is a 70-90' landscape strip with drainage and a trail. There will be crossing at the intersection. The MDR area we anticipate as a PD for 55+ community. There will also be a utility corridor that may be a trail. There are plans for a riverside trail so they may tie in. The opportunity is there.

Commissioner Nathan Fisher inserted a word of caution putting a trail next to a canal.

Commissioner Julie Hullinger asked if the changes made meet the previous concerns.

Commissioner Don Buehner responded that they have.

Assistant City Attorney Victoria Hales inserted that this is a general plan amendment. It is legislative not for a specific project or owner. It is in your discretion.

John Willis added that site issues will be ironed out with the zone change or conceptual site plan. This won't be the last time you see this project.

**MOTION: Commissioner Julie Hullinger made a motion to approve item 4A.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion passes.**

- B. Consider a General Plan Amendment from GC (Golf Course) and OS (Open Space) to LDR (Low Density Residential) for three (3) separate parcels in close proximity to each other, located off of Bloomington Drive (approx. 3100 S Bloomington Drive), near the driving range, and which total 3.966 acres. The applicant is the '**Bloomington Country Club.**' Case No. 2014-GPA-008. (Staff – Ray Snyder)

Ray Snyder presented the following:

If recommended for approval they will return with a zone change application. If that is approved then they will have to go through the platting process both preliminary and final.

The country club board has identified portions of the golf course no longer necessary for operation. This seems to be in harmony with the surrounding area. LDR is the lowest density with 2.1 – 4 dwelling units per acre. They would have to show setbacks and driveways and parking to see how many units would really work. The properties are not in the floodway. Traffic has not been looked at yet but would have to be considered later on in the process.

Scott Brandt (GM for country club) noted that they haven't finalized plans yet but wanted to get the ball rolling. The areas we've selected do not impact the golf course.

Commissioner Nathan Fisher stated that when approaching the green it looks like I'll be in someone's backyard.

Scott Brandt replied that 90% of people lose the ball to the right so it should be fine. Area 1 will cut off some of the dog leg.

Chair Ross Taylor opened the item for public comment.

Wendy Johnston stated that section 2 seems to overlap the driving range; will that be built up to have homes? On LDR you can have up to 4 homes, is that single family?

Chair Ross Taylor stated it would be single family homes.

Wendy Johnston noted that theoretically they could have 16 homes.

Councilman Joe Bowcutt said theoretically yes they could.

Commissioner Nathan Fisher noted that 16 homes are unlikely due to the layout of the land and the lot sizes in the area.

Wendy Johnston stated she would hate to see it changed and then 16 homes go in. How do we protect our interest?

Chair Ross Taylor explained tonight is just the general plan to allow residential. Afterwards they have to come forward with a zone change that should be compatible with the homes around there. After that they have to have a plat showing how it will work.

Commissioner Nathan Fisher added that the area is 3.9 acres so 16 would not occur.

John Willis said that with LDR and then R-1-10 they could potentially have 15.

Chair Ross Taylor added that the areas are separated in a way that would make 8-9 more likely. John Willis agreed. We won't know until the zone change. Commissioner Ro Wilkinson stated there is a lot out there that can improve the looks of the area. Some of that area looks run down. Bloomington road is a hazardous place when you're coming out. We should look at it and see if it can improve. Commissioner Todd Staheli added that if there are homes going there and you're backing out there will be too many near misses. Commissioner Ro Wilkinson said they would have to look at that in the future. Chair Ross Taylor noted that the preliminary plat will address that.

Chair Ross Taylor closed the public hearing.

Commissioner Diane Adams asked if the blue lines in the graphic are relevant. Commissioner Nathan Fisher said it looks like they started to lay it out but not relevant right now. Commissioner Todd Staheli asked if the driving range at section 2 will be moved. Scott Brandt responded that the lower T will still be in place. Commissioner Ro Wilkinson said they'll have to look at the floodplain because when Quail broke in 1985 that water saturated the driving range.

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 4B, a general plan amendment, for the Bloomington Country Club Golf Course.**

**SECONDED: Commissioner Nathan Fisher seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

5. **ZONE CHANGES (ZC)**

- A. Consider a zone change from OS (Open Space) and A-1 (Agricultural) to RE-20 (Residential Estate 20,000 sq. ft. minimum lot size) on 14.01 acres. The property is located at approximately 3900 South and Bentley Road. The project site will be referred to as "**Meadow Valley Farms Phase 9**". The applicant is Development Solutions Group, Inc. and the representative is Mr. Logan Blake, Development Solutions. Case No. 2014-ZC-017. (Staff – Ray Snyder).

Ray Snyder presented the item and stated the request fits the area.

Commissioner Don Buehner noted there is a letter regarding this proposal asking about equestrian friendly parks in the area.

Ray Snyder said the Parks Department responded saying there is not a plan for the area.

Chair Ross Taylor said that's a reasonable request so I hope Parks will consider it.

Chair Ross Taylor opened the item for public comment.

James Oliphant – owner adjacent to the south – I came forward 5 years ago asking to board horses there. According to the floodplain it is flood zone and that's why it is open space. Rick Rosenberg did that study in the early 2000s. If I can't change for flood zone back then they why can they now request when nothing has changed since then.

Assistant City Attorney Victoria Hales said staff will address if it is flood zone.

Rick Rosenberg responded that back in 2000 the City had a project around the Ft Pierce Wash. The sediment was collecting and the City contracted with the gravel suppliers to excavate the sediment from the wash. When they did that we developed a stable cross section of what the wash should look like. FEMA came in after the 2005 flood the City was able to use funds to restudy the area. These lines are from that study in 2009 that maps the FEMA plains and floodway. I don't know what happened when Mr. Oliphant requested it. The floodway and floodplain are pretty close together in this area. Going through this wash they are really close together. The erosion hazard zone would be my concern as I don't see that graphic. Erosion hazard has more property damage. It may have been prior to the maps.

Dan Smith - RE-20 is 20,000 square foot single dwellings, correct? My concern is that we don't want to be near apartments or high density.

Chair Ross Taylor said that is correct, near half acre lot or larger.

James Oliphant added that you need to look at the situation there. Quality and Western Rock raised the channel so they haven't done a study since the channel has been reviewed. I've seen a lot of floods over the years. If it's not safe for me it's not for others.

Commissioner Don Buehner said it sounds like there are two issues. The first is before you couldn't so why can they? Then if they can, then can you? The second issue is even though you were denied in the past, are you concerned it is a hazard?

James Oliphant said yes, I would never put a house there. I wanted to put corrals.

*\*\*Ray Snyder brought up the city website to help clarify\*\**

Commissioner Nathan Fisher noted that it appears the proposal avoids the floodplain and floodway. If it doesn't I believe we can still amend and if it is in the floodplain then they can't build. If they want to build they'll have to satisfy the regulations anyway.

Ray Snyder said staff will definitely look at that.

Assistant City Attorney Victoria Hales said there is a graphic that looks like the property south is under water on that map.

Commissioner Nathan Fisher said if the zone provides for R-1-10 and it's in floodway then they can't build.

Assistant City Attorney Victoria Hales said that is right, they would have to pull it out.

Wes Jenkins added that they can't build in the floodway; the erosion hazard kicks out wide. The development to the north is in the erosion hazard and they have done the studies to mitigate. Commissioner Todd Staheli added that normally you have the fringe but this area doesn't have a fringe.

Assistant City Attorney Victoria Hales noted that on the other side of the floodway it is R-1-10 in the floodway. That doesn't mean they can build there it just means it's zoned that way.

Councilman Joe Bowcutt asked if the flood area will be addressed with the plat.

Ray Snyder said that is correct.

Councilman Joe Bowcutt continued, the final use is decided by plat not the general plan or zone.

Ray Snyder explained that the zoning right now is OS and A-1 and they want RE-20 but yes.

Wes Jenkins said if it's floodway we won't change from OS because you can't do anything. Floodplain is on the fringe but here they're one in the same.

Chair Ross Taylor asked if the applicant can move that western boundary from the erosion area.

Commissioner Nathan Fisher noted that when we did Mall Drive they had it zoned a certain way and changed the floodway to OS but their erosion cut through the development.

Wes Jenkins added that the erosion hazard line can be developed but you have to do an extensive study outlining what needs to be done to mitigate. The erosion hazard line is much greater. Part of that is due to the mining from the past. When previous phases came in they did erosion hazards studies. The same would be required here.

Chair Ross Taylor asked if the erosion hazard is halfway through the development.

Wes Jenkins stated it is over most of the property.

Commissioner Nathan Fisher inserted there are areas all over the river that are developed in the erosion hazard area. They do a study and then mitigate in order to build. If we prevented development in the erosion hazard we wouldn't have a lot of our subdivisions.

Wes Jenkins said there will be a base flood elevation and we would require the lots to be raised 2' minimum above so if it does flood there it would stay in the street and go back to the river. Hyde-Berry Park would be the same thing.

James Oliphant added that it has flooded us out here before and that wasn't a 100 year flood that was the reservoir that broke. The golf course always gets flooded and that's why the golf course is there. That's the same wash here. I've seen flooding. I care about someone putting a home here thinking it is safe and it's not.

Ray Snyder said we all want safety and don't want issues. We have the FEMA information available to us. The zone change is really in the open space area not the floodway. We'll treat it like any other area in this circumstance. I don't see a reason to change the request considering the floodway and floodplain.

Chair Ross Taylor closed the public hearing.

Commissioner Nathan Fisher I think we have to rely on the experts that put together their plans. I think it was Rick who did the study. I think we have to trust what they know concerning the floodplain, floodway, and erosion hazard. I don't doubt we'll learn more in the years to come but we have to work with what we have in front of us now.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval for item**

**5A, zone change.**

**SECONDED: Commissioner Julie Hullinger seconded the motion.**

*Commissioner Todd Staheli asked if we need to put anything about the flood areas.*

*Commissioner Nathan Fisher said the construction drawings will handle that.*

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

- B. Consider a zone change from R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 0.50 acres to accommodate a four-plex referred to as “**Ancestor Village.**” The property is generally located at 1650 North Dixie Downs Road. The applicant is VCL Investments, LLC and the representative is Mr. Chad Van Cleve. Case No. 2014-ZC-016. (Staff – John Willis).

John Willis presented the following:

This request is from R-1-10 to a PD-R. When looking at a PD-R we’ll also look at the elevations, site plan, and materials board. They are proposing a 4-plex with garages on the ends and individual backyards. They did provide a materials board with stone and stucco. The request is for the vacant lot on Dixie Downs Road. To the south is an LDS church and to the east is their parking lot, to the north is the Emerald Ridge subdivision. The general plan has a designation of MDR which is up to 9 dwelling units per acre. The proposal is at 8 units per acre so they are within the general plan designation.

Commissioner Nathan Fisher asked if there is a park north of this.

John Willis replied Firehouse Park is further north. The columns will be stone and the rest of the building will be stucco.

Commissioner Ro Wilkinson said the letter submitted regarding how he thinks it would tear down what they are trying to build up; to me it doesn’t look like that is what is happening.

John Willis said this will be platted for individual ownership. I don’t believe there is a target market.

Commissioner Nathan Fisher asked if driveways are allowed on that road.

John Willis said we would have to look at that, but when we looked at single family there it didn’t layout well.

Commissioner Nathan Fisher asked if a deceleration lane would be required.

Wes Jenkins said no.

Chad Van Cleave said these will be platted for individual ownership  
Commissioner Diane Adams asked if the garages go with the end units.  
Chad Van Cleave said yes they do.

Commissioner Ro Wilkinson asked how big the units are.  
Chad Van Cleave responded they are 1400 square feet, 3 bed 2 bath. There is covered parking for the center units.

Commissioner Nathan Fisher asked if the division has to be now, with the zone, or with the plat.  
John Willis replied it is with the plat.

Commissioner Diane Adams asked if the parking in front will be covered.  
John Willis said that they are required 2 spaces per unit and 1 covered. So the end units are covered by the garages and then they will need to put something up for the middle units.

Commissioner Nathan Fisher asked what is across the street.  
John Willis replied a mobile home park.  
Commissioner Nathan Fisher inserted that those are narrow lots.

Commissioner Ro Wilkinson noted that it looks like the parking is a distraction to the building.  
Commissioner Nathan Fisher said if you go behind Pine View theatres you see these.  
John Willis added the benefit of this, even with the parking, is that they have backyards.

Commissioner Nathan Fisher asked if the landscaping is being approved tonight.  
John Willis said right, we are reviewing the site and architecture. Anything that changes would have to come back through.

Commissioner Julie Hullinger said it looks like a good addition to the area.

Commissioner Nathan Fisher asked if there is a wall there now.  
John Willis replied it's walled on 3 sides.

Commissioner Todd Staheli asked if the landscaping is per the site plan or elevations.  
John Willis said you can specify that the landscaping is per the site plan not the elevation.

Commissioner Nathan Fisher asked if we should review the covered parking.  
Commissioner Diane Adams added that the covered parking will change how it looks.  
John Willis said you can request they provide an elevation with covered parking for City Council.

Commissioner Diane Adams Diane asked if the backyards are individually fenced.  
John Willis said they are.  
Chair Ross Taylor asked if they are separated by fences or vegetation.

Chad Van Cleave said fences. We're looking at limited and private common area when we plat. Right now we're thinking block walls at 6' tall for each.

Commissioner Todd Staheli asked if an HOA will take care of landscaping.

Chad Van Cleave said that has yet to be decided.

Commissioner Julie Hullinger asked how they access the backyard.

Chad Van Cleave said the side units will be easy to maintain but the center units will be a bit more difficult.

Chair Ross Taylor said he is uneasy with the things we don't see yet. Can you bring those things forward?

Chad Van Cleave asked if more detailed landscaping and the covered parking is what is being requested.

Chair Ross Taylor said yes, so we can see exactly what it will look like.

Commissioner Don Buehner said access to the backyards would also be nice.

Commissioner Nathan Fisher noted that if you do desert in the middle then your plan needs to reflect that. I suggest that you look at more rock accent as well.

Chad Van Cleave noted that there is extra parking so I may be able to work something out.

Chair Ross Taylor asked if the applicant would table the item to rework the issues.

Chad Van Cleave said absolutely, I can have it before council but I can come back if needed.

Assistant City Attorney Victoria Hales said the applicant can table it now or after the public hearing.

Chair Ross Taylor opened the public hearing.

No comments were made.

Chair Ross Taylor closed the public hearing.

**MOTION: Commissioner Julie Hullinger made a motion to table at the applicant's request until the next meeting.**

**SECOND: Commission Todd Staheli seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

Training and discussion to cover: Title 10 Chapter 8 "Planned Development Zone" – Residential Section.

*\*\*Councilman Joe Bowcutt left the meeting at 6:40 pm\*\**

No training was held at this meeting.

7. **MINUTES**

Consider approval of the minutes from the July 08, 2014, July 29, 2014, and August 12, 2014 meetings.

**MOTION: Commissioner Diane Adams made a motion to approve the minutes.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Minutes are approved as written.**

**ADJOURN**

**MOTION: Commissioner Nathan Fisher made a motion to adjourn.**

**SECONDED: Commissioner RO Wilkinson seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chair Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Meeting adjourned at 6:41 pm.**

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
January 27, 2015 – 5:00 PM**

**PRESENT:** Chair Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Nathan Fisher  
Commissioner Don Buehner  
Commissioner Diane Adams  
Commissioner Todd Staheli

**CITY STAFF:** Assistant Public Works Director Wes Jenkins  
Planning & Zoning Manager John Willis  
Planner II Ray Snyder  
City Surveyor Todd Jacobsen  
Assistant City Attorney Victoria Hales  
Planning Associate Genna Singh

**EXCUSED:** Commissioner Julie Hullinger  
Council Member Joe Bowcutt

**FLAG SALUTE**

Chair Ross Taylor called the meeting to order and asked Commissioner Diane Adams to lead the flag salute at 5:02.

1. **FINAL PLATS (FP)**

- A. Consider approval of a six (6) lot residential subdivision for “**Fieldstone Phase 2.**” The representative is Mr. Brad Peterson, Development Solutions. The property is zoned R-1-10 (Single Family Residential Estate 10,000 square foot minimum lot size) and is located on the south side of Crimson Ridge Drive at approximately 2240 East (in the Little Valley area). Case No. 2014-FP-079. (Staff – Todd Jacobsen).

Todd Jacobsen said that Crimson is on the north side of the development. This is in Little Valley near the new church.

*\*\*Assistant City Attorney Victoria Hales entered at 5:03 pm\*\**

Todd Jacobsen continued stating there is split zoning on the western most lot, lot 31.

- B. Consider approval of a twelve (12) unit multi-family residential subdivision for “**Red Storm Town Homes.**” The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned R3 (Multiple Family Residential) and is located at 487 South 100 East Street. Case No. 2014-FP-072. (Staff – Todd Jacobsen).

Todd Jacobsen presented item 1B with no comments.

Commissioner Diane Adams asked if split zoning for Fieldstone is an issue. Assistant City Attorney Victoria Hales noted that legal will not to press the minor issue. Todd Jacobsen said that the Preliminary Plat was approved that way and they did utilize lot size averaging. Chair Ross Taylor asked if the subdivision meets the R-1-12. Todd Jacobsen replied yes, among the phases the lot size averaging works.

**MOTION: Commissioner Diane Adams made a motion to approve Fieldstone Phase 2 and Red Storm Town Homes and authorize chairman to sign.**  
**SECONDED: Commissioner Nathan Fisher seconded the motion.**  
**AYES (6)**  
**Chair Ross Taylor**  
**Commissioner Ro Wilkinson**  
**Commissioner Nathan Fisher**  
**Commissioner Don Buehner**  
**Commissioner Diane Adams**  
**Commissioner Todd Staheli**  
**NAYS(0)**  
**Motion passes.**

## 2. PRELIMINARY PLAT

Consider approval of a preliminary plat for a sixteen (16) lot residential subdivision for “**The Reserve at River Hollow**” The property is zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size). The property is generally located at 1200 South 2670 East. The property owner is M&S Land, LLC; Sue Cox Trust, the applicant is MK Cox Development, and the representative is Mr. Skyler Lawrence. Case No. 2015-PP-001. (Staff – Wes Jenkins).

Wes Jenkins presented the following:

There will be an HOA that they will annex into (existing River Hollow). The HOA will maintain the landscape strip and there is an internal park. There are already trees planted along the southern road. They want to keep those trees to give an estate look. They will use the 45’ cross section and narrow it down as they go through which will put the trees 4-4.5 feet inside the sidewalk. They want the tree area to be common area to the HOA. They may change that to meet setbacks and such but that is how it is currently proposed. The n/s road will have 8’ planter strips with trees to continue the estate look. The n/s cul-de-sac will incorporate what is already there. What is being presented is different than what was originally in the packet so refer to the revised drawing. Originally there was a master plan road that came through here and was to be a 66’ road. We felt that was impossible so we looked at reducing it. With the commercial piece there now we think we need to keep it so the 66’ road should now continue. They will use the alternate cross section. There are double fronting lots so there will be the 10’ landscape strip and the privacy wall. The landscape will be owned and maintained by the HOA. We did discuss with the applicant tying in to the west but they didn’t want that because they wanted to keep the lot sizes of the neighborhood. That would also have created triple fronting lots

and it wouldn't have been compatible. There is a driveway that will tie into the cul-de-sac road. They are proposing two flag lots that will share the staff. There will need to be an agreement for that staff to share the cost and maintenance.

Chair Ross Taylor asked where the next through street is located.

Wes Jenkins explained that Royal Pines has through streets.

Chair Ross Taylor noted that better circulation may be possible. The general plan asks that cul-de-sacs be discouraged unless there are elevation problems. I wonder if this is for convenience.

Wes Jenkins stated that extending the road through will create triple fronting lots. Would it provide better circulation? Yes it would, however, applicant wanted exclusive large lots. We pointed out it would be inconvenient to get in and out of those lots.

Commissioner Nathan Fisher asked if the cul-de-sac was due to the proximity to 1190 South.

Wes Jenkins said that was correct.

Commissioner Nathan Fisher asked if the cul-de-sac could be straight.

Wes Jenkins noted they're trying to maintain the house that is already there.

Commissioner Nathan Fisher asked if there are any issues annexing into River Hollow.

Wes Jenkins noted that the HOA has to accept the annexation.

Commissioner Nathan Fisher asked if the CCRs need to be revised.

Skylar Lawrence explained that we met with the HOA this morning. They are excited because it will reduce their dues. They are willing to support us and there is language that grants us the ability to annex in. The property in front of the Cox homes does have trees so the trees will be on both sides of the road.

Assistant City Attorney Victoria Hales asked if there are sidewalks that aren't adjacent to the roadway and planter strips that cause headaches.

Wes Jenkins explained there will be a 58' cross section with 29' pavement, 2.5' curb and gutter on both sides, and then 8' planter with sidewalk. They want to keep the sidewalk on the edge of the right of way. The landscape strips would be in the right of way but property owners will be responsible.

Assistant City Attorney Victoria Hales said the HOA would be required to maintain.

Wes Jenkins noted that Sun Valley had landscape in the right of way but each property owner was to maintain.

Assistant City Attorney Victoria Hales asked if the code changed since then.

Wes Jenkins said no, it has not.

Commissioner Todd Staheli inserted that if owners don't take care of the landscaping it ruins the whole thing.

Wes Jenkins said Sun Valley Estates pushed the landscape strips and we looked at revising the ordinance and then they drove down Diagonal and backed off. Skylar will argue they are large lots and people will maintain them but we can put them in the HOA.

Chair Ross Taylor noted that is a function of the HOA.

Wes Jenkins added that HOAs tend to dissolve over time. There is a park and existing landscape strips so we feel there are enough amenities there to be responsible and take ownership of it. There are also two entry features proposed that will be maintained by the HOA.

Commissioner Nathan Fisher asked if there are code issues.

Assistant City Attorney Victoria Hales said the landscape in private ownership is a concern.

Wes Jenkins explained that double fronting lots do state that they must be HOA or City maintained. With lot frontages we have allowed private ownership.

Assistant City Attorney Victoria Hales agreed with staff.

Commissioner Nathan Fisher noted that if we're concerned we can condition that it's the home owner's responsibility but the HOA has the liberty to charge or fix the area.

Assistant City Attorney Victoria Hales added that the sidewalk standards need to be reviewed in regards to meandering.

Wes Jenkins explained there is an alternate cross section that doesn't show meandering but does have the curb, gutter, landscape, and sidewalk.

Assistant City Attorney Victoria Hales inserted that a lot of changes have been made in the past week so maybe this isn't ready to go yet.

Wes Jenkins agreed that we could have delayed it to go through the changes.

Commissioner Diane Adams noted that the sidewalks did not change.

Wes Jenkins agreed they are the same for the most part. They wanted to be outside the trees and I asked them to do the 45' and then the trees.

Commissioner Todd Staheli asked where the meandering sidewalk is.

Wes Jenkins responded that the meandering is for 1170 South, 1240 South and east of the subdivision.

Commissioner Diane Adams stated it's more of a trail like approach.

Chair Ross Taylor noted that it's a nice design and there's some merit to that but we need to abide by the ordinance.

Assistant City Attorney Victoria Hales said it is unclear if there's a problem because the revision was just submitted. You could go forward and condition approval on legal review.

Wes Jenkins noted this is the first time I've seen meandering.

Assistant City Attorney Victoria Hales there are code sections that have setbacks from sidewalk so I'm not sure how that would affect this. The design is attractive I just need to make sure it is legal.

Commissioner Ro Wilkinson asked how wide the street is.

Wes Jenkins said pavement is either 29' or 32'. They are smaller residential streets and would be public streets dedicated to the City.

Chair Ross Taylor stated that lots that size will have large toys and backing a trailer onto a small road like that is difficult. We may need to look into this further.

Wes Jenkins explained they are standard streets.

Chair Ross Taylor asked if there are narrow streets like this in the Little Valley area.

Wes Jenkins said Meadow Valley Farms has narrow streets. It is a valid question concern. This is just the cross section they chose.

Commissioner Don Buehner asked if the trees are vital to approval of the preliminary plat. Much of the discussion tonight is not documented in the packet.

Wes Jenkins said if they don't want to put in the trees they don't have to.

Assistant City Attorney Victoria Hales asked staff to address the flag lot. If approved there needs to be a finding that standard lots are not feasible. It looks like there is a 25' staff which is allowed to go to two lots, however I am not certain if half of the staff is owned by one lot and half by the other or if the whole staff belongs to one lot and the second lot has an access easement. It appears to be drawn half and half. If that is how they want to do this there needs to be shared maintenance agreements. One lot can own the whole thing and then an easement to the other lot. This will need to be worked out legally if flag lots are needed.

Skyler Lawrence said each side would own half.

Chair Ross Taylor said it will need to be clarified what each lot will own and then an agreement to share access.

Assistant City Attorney Victoria Hales said that's just an issue moving forward as well as the annexation to the HOA.

Commissioner Nathan Fisher asked the applicant his feelings about the owner being responsible for the landscape but the HOA has the right to maintain and fix.

Skyler Lawrence said that's a great way to address the issue.

Commissioner Diane Adams asked if the HOA is old and if it is well funded.

Skyler Lawrence said maybe 9 years old. There is a park at River Hollow and that park will not be left to go to weeds. It is a well functioning HOA.

**MOTION:** Commissioner Nathan Fisher made a motion to approve item 2 subject to legal approval. Based on the presentation, staff and applicant comments we find a cul-de-sac is more feasible for the area as the street cannot go through to 2780. As a result the installation of flag lots is necessary because standard lots are not feasible. The motion is conditioned on the HOA CCRs stating that the lots that are required to maintain the landscape strip the HOA reserves the right to maintain them in the event the lot owner does not maintain them and charge back the owner. Also, that the ownership and maintenance of the flag lot is subject to legal.

**SECONDED:** Commissioner Diane Adams seconded the motion.

*Commissioner Todd Staheli asked what happens if the HOA dissolves. Is the owner responsible then? And if the owner doesn't do it then what happens?*

*Commissioner Nathan Fisher said the common area and CCRs can still be enforced by individual lot owners. If they don't do it then the City will have to step in.*

*Assistant City Attorney Victoria Hales noted the sidewalk design is also subject to legal review.*

*Wes Jenkins added that when we look at an HOA we make sure there are more amenities that people are buying into so success is more likely.*

**AYES (6)**

**Chair Ross Taylor**

**Commissioner Ro Wilkinson**

**Commissioner Nathan Fisher**

**Commissioner Don Buehner**

**Commissioner Diane Adams**

**Commissioner Todd Staheli**

**NAYS(0)**

**Motion passes.**

3. **TRAINING**

Training and discussion to cover: Title 10 Chapter 8 “Planned Development Zone” – Residential Section.

Ray Snyder presented the training for PD Residential Zones.

Discussion and training went back and forth between Commissioners and Staff.

**ADJOURN**

**MOTION: Commissioner Todd Staheli made a motion to adjourn.**  
**SECONDED: Commissioner Ro Wilkinson seconded the motion.**  
**Meeting adjourned at 6:08 pm.**